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ABSTRACT

This monograph is an analysis of the use of residential and non-residential programs as alternatives to secure detention for juveniles awaiting adjudicatory hearings in juvenile courts. The analysis is based on literature from the last decade supplemented by interviews and statistics from site visits to 14 juvenile court jurisdictions with alternative programs. Chapter One describes the decisions by police and other adults that create a group of youth court referrals. The next chapter analyzes the process of juvenile court through which decisions are made about court and detention intake, with the placement of selected youths in secure detention, alternative programs, or their homes. In Chapter Three, the variations in use of secure detention are described; the psychosocial consequences for detained juveniles are discussed as well as the consequences after adjudication at the time of court disposition. Chapter Four contains descriptions of the programs used as alternatives to secure detention in 14 jurisdictions. The final chapter presents conclusions of the study and offers recommendations intended for jurisdictions planning alternative programs. (Author/NRB)

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National Study of Juvenile Detention

Use of Secure Detention for Juveniles and Alternatives to Its Use

by
Donnell M. Pappenfort
Thomas M. Young

December 1980

U S DEPARTMENT OF HEALTH,
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Root, Lawrence S., ed. Site Visit Reports: Thirteen Jurisdictions With Programs Used as Alternatives to Detention for Juveniles. National Study of Juvenile Detention. Chicago: School of Social Service Administration, University of Chicago, June 1976.

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Larry Mendes prepared a paper on "Recent Issues in the Appellate Court" on juvenile detention which was appended to the project's Issues Paper and so has not been reproduced here.

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INTRODUCTION

This monograph is an analysis of the use of residential and non-residential programs as alternatives to secure detention for juveniles awaiting adjudicatory hearings in juvenile courts. The analysis is in part based on literature--books, journal articles, surveys and other reports, both published and unpublished--that has appeared in the past decade. We have concentrated on that part of the literature that has empirical grounding and have supplemented it with interviews carried out and statistics assembled during site visits to 14 juvenile court jurisdictions where alternative programs were in use.

Detention has been defined as "the temporary care of children in physically restricting facilities pending court disposition or transfer to another jurisdiction or agency."[1] In broad outline, the state of detention practice in the United States emerges from studies that have revealed widespread problems:

(1) Overuse of detention for juveniles who appear to be no threat nor likely to run away before their adjudicatory hearings;

(2) Inconsistent detention decisions varying widely between jurisdictions;

(3) Continued use of jails for the detention of juveniles, especially in rural areas; and

(4) Lack of appropriate alternatives for juveniles who require supportive supervision but who do not need to be detained.

In recent years a variety of alternatives to the use of secure detention have been tried. They range from simply increasing the proportion of youths released to their parents or guardians, pending hearing, to programmatic substitutes for secure detention--for example, intensive pre-hearing supervision in the community, specialized foster homes, and group homes. The results of most such projects are not published. Data enabling comparisons of various programs in terms of the characteristics of juveniles served, program costs, and measures of effectiveness have not been available. It has not been possible for those concerned with pretrial care of youths to find out what the experiences of the new programs have been.

The work here reported was undertaken at the request of the National Institute for Juvenile Justice and Delinquency Prevention, Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration, United States Department of Justice, to assist those who may be considering initiation of programs used as alternatives to secure detention, as called for in the 1974 Juvenile Justice and Delinquency Prevention Act (Public Law 93-415), as amended in 1977. That Act sets forth as two of its major goals reduction in the use of secure detention (incarceration) and the provision of critically needed alternatives to detention for youths involved in the juvenile justice process. (Cf. Sec. 102(b) and Sec. 223(a), 10H.) The provisions of the Act that pertain specifically to detention call for:

(a) Increased use of community-based programs and services oriented to strengthening family units in the prevention, treatment and rehabilitation of juveniles alleged or adjudicated to be delinquent. (Sec. 223(a), 10B.)

(b) The establishment of comprehensive and coordinated statewide programs designed to reduce the number of commitments to any form of juvenile facility; increase the use of nonsecure community-based facilities; and discourage the use of secure incarceration and detention. (Sec. 223(a), 8 and 10H.)

(c) The cessation of the practice whereby juveniles are confined or detained in any institution in which they have regular contact with adult prisoners. (Sec. 223(a), 13.)

(d) Elimination (within 2 to 5 years following submission of a State plan) of the use of detention for juveniles charged with offenses that would not be criminal if committed by an adult. (Sec. 223(a), 12.)[2]

It is therefore timely to examine and summarize what is known about detention in its conventional form and about alternatives to detention that have been tried in various jurisdictions across the country. An analysis of the significant aspects of the Nation's experience with detention and alternatives to its use can then be joined with the guidelines from the Act to shape realistic plans and strategies for implementation and evaluation of Federal policy in this area in the future.

The analysis to be presented in subsequent chapters rests on an assumption that one must understand the way secure detention operates in a jurisdiction in order to comprehend the uses made of alternative programs. This, in turn, requires knowledge about the juvenile justice processes that are the context for use of both secure detention and alternative programs.

Much of this report is about youths moving into and through the juvenile justice "system." We question and whenever possible will avoid using the term "system" to refer to processes that often seem anything but systematic. Nevertheless, there are regularities and common functions across jurisdictions. Patterns in the flow of cases can be discerned for any jurisdiction, and differences between jurisdictions can be understood in terms of variations in those patterns.

It is possible to conceptualize those patterns of case-flow as arising from a structure of points at which decisions are made about juveniles that result in their entrance to, exit from, or continuation in the juvenile justice process. Our research approach to individual jurisdictions was to diagram the structure of the decision points in use, determine the options available at each such point, investigate the criteria applied in selecting among the options, and where possible determine the number and characteristics (including offenses and past records) of youths routed in various directions. In this way we attempted to understand why certain juveniles and not others ended up in secure detention, alternative programs, waiting at home without supervision, or dismissed from court jurisdiction. A summary of part of the results of that analysis together with other information about alternative programs is presented in Chapter IV.

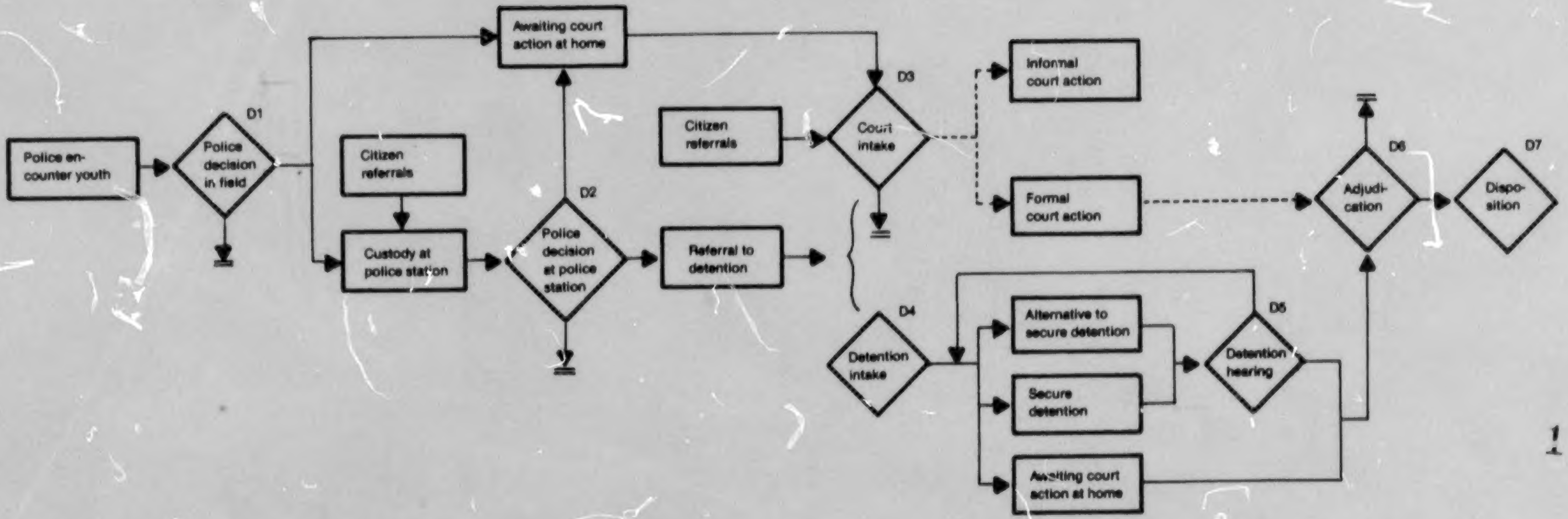
The model of a structure of decision points has had more general importance to our efforts than its detailed use during site visits. A view of the juvenile justice system from the perspective of the model has guided the entire effort to summarize existing research and other literature and integrate it with information obtained during site visits. It also influences the structure of this report.

For the reasons just mentioned we present here a generalized Process Flow Diagram showing seven decision points, symbolized by diamond-shaped outlines Numbered D1 through D7, that determine movement within the flow (see Figure 1). The arrows leading to double lines indicate exits from the flow. The decision points are presented here without reference to the options that may be used, the criteria employed, and the selectivity that may result from their application, because those characteristics vary by jurisdiction. Still, the diagram does clarify the structure of decisionmaking as juveniles enter (or avoid) the flow of cases, usually at the point of an encounter with a policeman during which a decision is made (D1), some to be taken to a police station for a second decision (D2) which can point the youths toward decisions concerning court intake (D3) and detention intake (D4). (Also note on Figure 1 the competing entry point through citizen referral to court intake.)

It is usually during the interrelated processes of court intake and detention intake that decisions are made to place juveniles in secure detention. Decisions to use an alternative program instead may be made either at that same juncture or at a later detention hearing (D5). We will not focus on the adjudicatory hearing (D6) in full detail, but we have a special interest in what happens to juveniles beginning with decision points D3 and D4 ending with decision point D6. What happens to juveniles at disposition (D7), if they get that far, is not unrelated to what occurred earlier. We are dealing here with a structure of contingencies creating flows of cases in various directions toward different probabilities of later decisions. We will not be able to assign numbers to all the possibilities in the chapters ahead, but we believe sufficient data are available to anticipate what a systematic quantitative research effort might find.

Figure 1

Process Flow Diagram


Police encounter youth
D1
Police decision in field
Citizen referrals
Custody at police station
Awaiting court action at home
D2
Police decision at police station
Referral to detention
Citizen referrals
D3
Court intake
Informal court action
Formal court action
D4
Detention intake
Alternative to secure detention
Secure detention
Awaiting court action at home
D5
Detention hearing
D6
Adjudication
D7
Disposition

The chapters of this report in part follow the structure of decision points shown in the Process Flow Diagram. Thus, in Chapter I, we describe the decisions of police and other adults that create a pool of youths for referral to court (D1 and D2). Chapter II analyzes the process of juvenile court through which decisions are made about court and detention intake, selected youths being placed in secure detention or referred to alternative programs or sent home (D3, D4, and D5). In Chapter III the variations in use of secure detention are described. The psychosocial consequences for juveniles who are detained are discussed, as are the consequences after adjudication at the time of court disposition (D6 and D7). In Chapter IV are descriptions of the programs used as alternatives to secure detention in the 14 jurisdictions visited. Chapter V presents certain conclusions of the study and offers recommendations intended for jurisdictions planning alternatve programs.

Notes to Introduction

[1] National Council on Crime and Delinquency, Standards and Guides for the Detention of Children and Youth (New York: National Council on Crime and Delinquency, 2d Edition, 1961), p. 1.

[2] The Compilation of the Juvenile Justice and Delinquency Prevention Act of 1974 As Amended Through October 3, 1977, which appeared shortly after this report was written, changed the time provision and extended efforts to include "such nonoffenders as dependent and neglected children." See Sec. 223 (10) (B) and (11), (12), and (13).

Chapter I

VARIATIONS IN DECISIONMAKING: THE COMPLAINT PHASE

This chapter reviews and summarizes literature on police decisionmaking and citizens' complaints regarding juveniles. We begin with these decisions because the issues of court and detention intake (Chapter II), secure detention (Chapter III), and alternative programs (Chapter IV) are best understood if it is first realized that prior decisions made by police and other citizens produce pools of youths eligible for detention whose numbers and characteristics may differ considerably from jurisdiction to jurisdiction.

The sweep of most State juvenile codes is so wide that almost every youth could be arrested at some point in his life. Misconduct leading to such a possibility often is not noticed by authorities. Even when it is, police decisions select a minority of youths against whom action is to be taken. In general, youths are presented for court assessment, including the possibility of detention, either by police who have taken them into custody or by other adults--school officials, parents, etc.--who lodge complaints against them. In this chapter the role of the police is examined first. Then the role of complaint to the court by other adults is considered. The two processes by which juveniles are presented to court or detention intake can differ markedly by jurisdiction and so can produce different consequences for the youths involved and for the juvenile justice process itself.

The Police Screening Function

Employees of police departments, sheriffs' offices, and similar law enforcement agencies perform a "gatekeeping" function with respect to youths entering the juvenile justice process.[1] Juveniles come to the attention of the police through personal observation by police; information submitted by individual citizens, clergy, school officials, court probation departments, and other public and private agencies; through requests for assistance from childrens' parents; and through reports from other police departments. Thus, very often the policeman is the first functionary to determine the "population at risk" for court processing and, possibly, detention. Of course, he is also the major source of diversion away from the application of the juvenile code.

The literature on police decisions about juveniles is here examined to highlight the criteria by means of which certain youths are selected for official action and to examine the dispositions used by various police departments. The words that we must use will convey more of a sense of order or "system" than we intend, for two reasons. First, "discretionary justice" begins on the street with police encounters. In carrying out their responsibilities police officers sometimes receive little guidance from either statutes or superiors about how to enforce the law selectively, which of course they must do. Policy is often made by officers in the field and not always in the same way.[2] Second, a single detention facility in a sparsely populated county may serve a dozen law enforcement departments (in a large jurisdiction perhaps many more) with somewhat different practices. The combination of many law enforcement agencies with policemen applying inconsistent criteria can create a chaotic pattern of referral for detention decisions. As will be seen later, failure of detention intake to control and rationalize those referrals is probably the most serious obstacle to providing a respectable detention service.

As in the case of adult crimes, juvenile delinquency is handled initially in most cases by the police. Police decisions often result in turning away the majority of juveniles from official processing. Police officers in general have at least eight alternative courses of action when dealing with a youth: (1) release; (2) release with a "field interrogation" or an official report describing the encounter; (3) an official "reprimand" with release to parent or guardian; (4) referral, sometimes considered diversion, to other agencies; (5) release following voluntary settlement of property damage; (6) "voluntary" police supervision; (7) summons to court; and (8) referral to court for the possibility of detention.[3] In practice, a single police department may use many fewer options, but the possible combinations are numerous and may vary considerably among several police departments all relating to a single juvenile court jurisdiction.

The varying degrees to which police departments make use of certain alternative courses of action is somewhat evident from available statistical data. The U.S. Federal Bureau of Investigation in 1968 reported that, in cities of over 250,000 population, 36 percent of all arrested juveniles were released without any action and 60.5 percent were referred to juvenile court jurisdiction.[4] One formal study of police decisionmaking found the proportion of juveniles released without any action to be much higher. This study analyzed the statistics reported for a midwestern city of about 100,000 population. There the police disposed of 9,023 children between January 1958 and December 1962. Of these, 88.8 percent (8,014) were released and 2 percent (54) were referred to a State Department of Public Welfare. Only 775 (8.6 percent) were referred to the Court Probation Department for further decisions.[5]

In determining the relative frequency of police use of some of the dispositional alternatives enumerated above, "a survey of several large cities reflects the varying patterns of choices elected by the police after a juvenile is arrested. In Philadelphia, slightly over 50 percent of those arrested for serious crimes were handled "remedially" (released to parental custody with referral to a social welfare agency).[6] In Los Angeles, 62.3 percent of those arrested were petitioned to the juvenile courts, and 22.2 percent were counseled and released.[7] In Chicago, 47.6 percent of all juveniles arrested were released to parents or other agencies, and less than 40 percent

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were referred to the juvenile court.[8] In Oklahoma City, almost 37 percent of the juveniles arrested were released to parents, 8 percent were referred to social welfare agencies, and 35 percent were referred to children's court.[9]

The decision to arrest a juvenile involves a "complicated, though informal and perhaps unconscious policymaking process"[10] by police who, acting without the statutory constraints inherent in the handling of adult offenses, exercise considerable discretion when dealing with juveniles. This discretionary power makes encounters between youths and the police a crucial stage in the process:

> A minor's initial contact with the juvenile justice system is with the police and it sets in motion forces of informal decisionmaking that may determine whether he is to be entangled in the net of the juvenile process.[11]

Empirical studies[12] of police discretion suggest that there is some agreement as to basic criteria used in dispositional decision-making. The criteria include severity of the delinquent act, frequency of the juvenile's involvement in delinquency, community attitudes toward its delinquency problem, and demeanor of juvenile in the police-youth interactional setting.[13]

Three other variables, while not criteria, also are thought to have an impact on the operation of the above criteria. The first variable is the structure of the police department ("professional" versus "fraternal").[14] The second variable is the perception police have of the correctional agencies that serve adjudicated juvenile offenders. That is, when a negative view of the impact or effectiveness of those agencies prevails, the policeman may be tempted to exercise discretion leading to a disposition reflecting the officer's preference to avoid the juvenile justice process.[15] The third variable is propinquity. Choice of the "referral to court for detention" option is strongly related to simple geographical accessibility to a secure detention facility.[16]

One study, based on systematic field observation of juvenile encounters, came to the following conclusions about police arrests of juveniles in one American city:

(1) Most police encounters with juveniles arise in direct response to citizen-initiated reports;

(2) Many police encounters with juveniles pertain to matters of minor legal significance;

(3) The probability of sanction by arrest is low for juveniles who have encounters with police;

(4) The probability of arrest increases with legal seriousness of the alleged offense;

(5) Police sanctioning of juveniles strongly reflects the manifest preferences of citizen complaints in field encounters;

(6) The arrest rate for black juveniles is higher than for white, but evidence that police "behaviorally orient themselves to race" is absent;

(7) Presence of situational evidence linking a juvenile to a deviant act is an important factor in the arrest probability; and

(8) The probability of arrest is higher for juveniles who are unusually respectful or unusually disrespectful toward police.[17]

The implications of the empirical studies on police discretion seem to be that these practices may adversely affect juveniles in two ways. First, when police do refer a juvenile to court on the basis of the more subjective criteria noted above, there is a chance that police may mislabel some youths as delinquent and that those youths may respond to labeling by behaving as expected. Second, when police do not refer, the youth often receives no significant preventive services designed to terminate delinquent behavior, a point which may seem to support certain diversionary program efforts.[18]

The literature on police decisions to arrest juveniles has a certain cohesion, but the studies are too few to reflect the diversity that undoubtedly exists in the United States. It also is sparse in describing the results of police decisionmaking for certain subgroups of interest, such as status offenders.

We did find in the literature an assertion of a double standard of justice based on sex, the female offenses concentrated in the areas of truancy, sex offenses, runaway, and incorrigibility and the male offenses more often against property and persons. "Different law enforcement standards may result in females being brought to court and even institutionalized for offenses that might be overlooked if committed by males."[19]

Whatever may be the facts governing arrest decisions for particular misbehavior in different jurisdictions, it is clear that informally policemen in the field are making decisions that select out juveniles who are probably not typical of the larger group of youths with whom policemen are in contact, a point to which we will return. It is also clear that these decisions are in conflict with a policy which states that "the primary criteria for this decision should be (1) perceived need for rehabilitation and (2) seriousness of offense."[20]

Police Diversion

We said earlier that one aspect of the police "gatekeeping" function is to divert youths from the juvenile justice system. In the juvenile court jurisdictions that we visited and which related to two or more police departments we often were told that there was considerable variation in the proportion of police-juvenile encounters that resulted in referral to court. Although this was not the central focus of our site visits, one jurisdiction was able to provide us with referral statistics by police department jurisdiction. Referrals varied from 13.2 per 1,000 youths 18 years of age and under to 168.2. Of course, rates of delinquent acts may have varied to this extent across police jurisdictions, but we doubt it.[21]

Recently there have been efforts to provide police with referral alternatives not previously available in order to encourage diversion of larger numbers. Such efforts have been the subject of another study sponsored by the National Institute of Law Enforcement and Criminal Justice [22] and are mentioned here only because they can directly affect the numbers and characteristics of youths detained. For example, Pitchless, in describing the Juvenile Detention Program implemented by the Los Angeles County Sheriff's Department and the Department of Community Services, wrote that juvenile officers investigated cases of arrested youths and made the decision to (1) counsel and release, (2) detain or not detain while filing a petition with probation, or (3) divert to a community agency.[23] A report based on an experimental study of diversionary efforts in Sacramento County, California, showed that the impact on detention can be considerable: only 10 percent of the diversion project children stayed overnight in a detention facility compared with 60 percent of children in the control group. Diversion minimized both frequency and length of detention.[24]

Diversion is a fashionable word these days, but one should recognize that certain diversionary police efforts are not in conformity with some State laws and may be as harsh as referral to court.

> Unofficial probation is the process by which some juvenile officers require youths who have not been referred to the juvenile court for a violation of law to report regularly to the law enforcement officer at the police station or elsewhere on a prescheduled basis. Generally, the juvenile reports on his activities since the last visit was made and receives encouragement/admonition/advice (as warranted) from the officer. In some departments, the youth is not required to report regularly, but the assigned officer indicates that the department is supervising the cases. This process is not only an inappropriate function for law enforcement, but can be, on its face, a coercive sanction applied without due process of law.[25]

Citizens' Complaints

Not all children reach a juvenile court via police actions. Adults, such as parents or guardians, employees of boards of education, representatives of public and private agencies, and ordinary citizens may complain to court personnel about certain juveniles.[26]

Court procedures in handling such complaints apparently vary widely. Unfortunately, the literature on how such complaints are processed is very inadequate. We are aware of jurisdictions that require that all complaints be made through police officers. We know of others that simply accept most such complaints routinely, without much investigation.

Several officials interviewed in the course of our site visits reported that personal and social characteristics of juveniles referred to court varied somewhat according to whether the referral source was a parent or a police officer. When parents refer, they tend to bring complaints of incorrigibility or of running away; the youths complained against appear on the average to be younger, with girls overrepresented. But we are not aware of any definitive evidence on these points.

The main study available on how juvenile courts process youths referred by parents was carried out in 1972 in New York and Rockland counties in the State of New York.[27] The research was restricted to "persons in need of supervision" (PINS).[28] In those jurisdictions parents or parental surrogates had brought 59 percent of the petitions.[29]

> Case surveys and court observation demonstrated that...the purpose of the ungovernability jurisdiction is being subverted in two ways. First, the court processes as ungovernable some youths who are in fact either "neglected" or "delinquent" in statutory terms and who should be processed under the provisions governing persons in those categories. Second, in ungovernability cases the family court allows itself to be used by angry parents to punish their children.[30]

Approximately 7,000 cases classified as ungovernable were being processed each year in New York State in fiscal year 1973, including those brought to intake and adjusted there.[31] "The youths alleged to be ungovernable are overwhelmingly in midadolescence; 68 percent are over 14 and 44 percent are nonwhite. Many of these youths have been brought to court before. Their families are frequently broken, large, and poor."[32]

The study reports on a review of a sample of the cases referred to court at intake, where 46 percent had been adjusted, and concluded that in "37 percent of the cases, allegedly ungovernable youths are in fact neglected" and perhaps 15 to 20 percent are accused of acts which would fall within the statutory definition of delinquency: acts (most often assault and drug possession) which would be criminal if committed by an adult. The reasons for such misuse of statutory authority include relative ease of proof, compared to a specific charge of delinquency, judicial avoidance of "the delays and formalities that an accused parent and his or her lawyer will create in a neglect proceeding," and allowing the court to be used by a neglecting parent to punish a noncriminal youth.[33]

> A parent who arrives at intake is often irate and hostile, a state that is aggravated by the admission of inadequacy which is implicit in a parent's seeking help from the court. Parents frequently recite a flood of allegations to the intake officer. While the officer may attempt to adjust matters and may even have a commendable success rate with the less insistent, often he simply acquiesces to a parental desire to see the youth in court.[34]
>
> Once in court, parents often insist on immediate punishment for their children....The court typically responds according to the parent's wishes.[35]

The "immediate punishment" is, of course, detention, sometimes even when detention is not authorized by law.

> The statute clearly does not authorize detention when a parent refuses to take a child home. However, detention is frequently ordered for this reason, in explicit contravention of the statute. Eleven percent of detentions are so granted according to the written records, and observation suggests that the actual rate may be close to 50 percent. Moreover, when such punitive detention occurs, in two out of three cases the youth is placed in a prison-like secure facility, a rate of secure detention as high as that for juveniles who the court fears will commit a criminal act.[36]

Court personnel in the jurisdictions which we visited do not view the issues of incorrigibility in quite the same terms, although they often mentioned dealing with "irate and hostile" parents. Their focus was on the difficulties of finding immediate and suitable dispositions. The youth whose parents will not accept his return home, we were told repeatedly, is a youth who usually will not return home. The juvenile whose running away has been chronic cannot be expected to remain at home just because he has been returned by court personnel. The dilemma seen by court personnel is the choice between use of secure detention for such cases or some other alternative, if one is available.

Race, Socioeconomic Status, and Disposition

The decisions we have described above filter out for detention decisions a specific group of alleged juvenile offenders whose characteristics differ from the broader universe of those who could have been so processed under statutes. In making such an assertion we are not saying that legal variables, such as seriousness of the offense and prior record, are unrelated to disposition of the youths who police take into custody. A recent review of the research literature analyzing the statistics of official agencies shows that such variables indeed influence police and juvenile court decisions.[37] Rather, the question is whether nonlegal variables--specifically, race and socioeconomic status (SES)--influence official dispositions.

> The basic question to be answered is: Do blacks and members of a low socioeconomic status receive more severe dispositions than whites and members of a high SES?...The principles of Anglo-Saxon justice should not permit nonlegal variables like race and social class to affect the severity of disposition.[38]

On this issue the research literature has been less than clear until recently.

A recent study by Thornberry analyzed data pertaining to all males born in 1945, who lived in Philadelphia from ages 10 through 17, and had committed at least one delinquent act.[39] Altogether, final dispositions for the 9,601 delinquent events of 3,475 young males were analyzed "so as to allow examination of differential disposition at each of the major stages of the juvenile justice system: the police, intake hearings by the juvenile court's probation department, and hearings by the juvenile court itself."[40] Table 1 displays the findings on the influence of the race of the offender on disposition.

When seriousness of the offense and prior number of previous offenses are held reasonably constant, the influence of race on disposition becomes clear. For example, looking first at the decision of the police to treat a juvenile leniently by giving him a remedial arrest, or to treat him more severely by referring him to the juvenile court,[41] it may be seen that 9.3 percent of the black males with no prior offenses who had committed offenses classified as low in seriousness were referred to court, compared with 5.1 percent of their white counterparts. For each of the paired comparisons on police disposition the percentage of blacks referred to court intake exceeded that for whites. Thus, police dispositional decisions were augmenting the probability that black young men would be at risk for intake and therefore for detention, although statistics on detention per se were not presented. Similarly, for the less serious offenders only, the percentage of blacks referred to court intake rather than adjusted exceeds that of whites when the number of prior offenses is controlled. The same generalization does not apply to the more serious offenses. Thus, the decisions of policemen for each category and those of court workers about less serious offenders increased the likelihood that blacks would be at risk for detention more often than would be expected, given the offenses they had committed and their past records. The same general pattern pertains to socioeconomic status.[42]

Such data do not necessarily indicate the presence of discrimination resulting from racial prejudice on the part of police decision-makers. It is possible that resources for noncourt disposition of black youths were relatively inadequate. Families, for example, may less often have been able to present adequate alternatives. But whether for this or for other reasons, black youths were more likely than white youths--with similar records of law violation--to be processed by the court.

Table 1

Disposition by Seriousness, Number of Previous Offenses, and Race

Disposition	Seriousness of Offense											
	Low						High					
	None		1 or 2		3+		None		1 or 2		3+	
	Black	White	Black	White	Black	White	Black	White	Black	White	Black	White
Remedial %	90.7	94.9	86.6	92.2	77.6	86.1	44.1	65.2	34.4	47.0	19.5	28.8
Referral %	9.3	5.1	13.4	7.8	22.4	13.9	55.9	34.7	65.6	53.0	80.5	76.2
	(809)	(1388)	(849)	(911)	(1251)	(574)	(617)	(590)	(716)	(436)	(1120)	(340)
Adjusted %	73.3	81.7	67.5	73.2	55.7	67.5	55.3	48.8	41.5	39.4	27.4	28.1
Referral %	22.7	18.3	32.5	26.8	44.3	32.5	46.7	51.2	58.5	60.6	72.6	71.9
	(75)	(71)	(114)	(71)	(280)	(80)	(345)	(205)	(470)	(231)	(902)	(242)
Probation %	80.0	84.6	75.7	89.5	53.2	80.8	85.1	88.6	70.5	78.2	44.7	63.2
Institution %	20.0	15.4	24.3	10.5	46.8	19.2	14.9	11.4	29.5	22.3	55.3	36.8
	(20)	(13)	(37)	(19)	(124)	(26)	(161)	(105)	(275)	(139)	(655)	(174)

Source: Terence P. Thornberry, "Race, Socioeconomic Status and Sentencing in the Juvenile Justice System," _Journal of Criminal Law and Criminology_ 64 (1973): Table 6, p. 96.

Philadelphia in the 1960's is not the United States. Indeed, that city may have already corrected the differential way in which black and white juvenile males were processed. The possibility that other studies in other jurisdictions would find, even today, that youths of minority groups and those from poorer families are treated more harshly than the rest is an argument for carrying out comparable studies.

Notes to Chapter I

[1] Richard A. Sundeen, Jr., "Police Professionalism and Community Attachments and Diversion of Juveniles," *Criminology* 11 (1974):570-80.

[2] Kenneth Culp Davis, *Police Discretion* (St. Paul, Minn.: West Publishing Co., 1975).

[3] Elyce A. Ferster and Thomas F. Courtless, "The Beginning of Juvenile Justice, Police Practices, and the Juvenile Offender," *Vanderbilt Law Review* 22 (April 1969):567-608, citing Irving Piliavin and Scott Briar, "Police Encounters with Juveniles," *American Journal of Sociology* 70 (1964):206.

[4] Ibid., p. 569, citing FBI, *Crime in the United States* (1968). Reader should note discrepancy between these statistics and the findings of R. Terry, next note.

[5] Robert M. Terry, "The Screening of Juvenile Offenders," *Journal of Criminal Law, Criminology, and Police Science*, 58, 2 (June 1967): 173-81.

[6] Ferster and Courtless, "The Beginning of Juvenile Justice," pp. 573-74, citing *Philadelphia Police Department Statistical Report 10* (1967).

[7] Ibid., citing Los Angeles Police Department, *Dispositions of Juveniles Booked or Not Booked* (1967 statistical report).

[8] Ibid., citing *Youth Division, Chicago Police Department Offense Offender Report* (1967).

[9] Ibid., citing Crime Prevention Bureau, *Oklahoma City Police Department Activity Report* (1966).

[10] Samuel M. Davis, "Justice for the Juvenile: The Decision to Arrest and Due Process," *Duke Law Journal* (1971):921.

[11] Ibid., p. 922.

[12] Ferster and Courtless, "The Beginning of Juvenile Justice," p. 577.

[13] Ibid., p. 578, citing Piliavin and Briar, "Police Encounters."

[14] Ibid., p. 580, citing Wilson, *The Police and the Delinquent in Two Cities*, p. 9.

[15] Ibid., citing McHardy, "The Court, the Police and the School," *Federal Probation* 23 (1968):47, 49, and Rubin, "The Juvenile Court System in Evolution," *Valparaiso Law Review* 2 (1967-1968):18, 24, and 25.

[16] Robert B. Coates, Alden D. Miller, and Lloyd E. Ohlin, "Juvenile Detention and Its Consequences" (Cambridge, Mass.: Harvard Law School Center for Criminal Justice, 1975). Mimeographed.

[17] Donald Black and Albert J. Reiss, Jr., "Police Control of Juveniles," *American Sociological Review* 35 (1970):63-77.

[18] Ferster and Courtless, "The Beginning of Juvenile Justice," p. 581, citing P. Lichtenberg, *Police Handling of Juveniles* (Office of Juvenile Delinquency and Youth Development, U.S. Department of Health, Education, and Welfare, 1966). This, of course, does not eliminate the possibility of labeling by referral.

[19] Peter C. Kratcoski, "Differential Treatment of Boys and Girls in Juvenile Court," *Child Welfare* 53 (1):17-18.

[20] Dennis C. Sullivan and Larry J. Siegel, "How Police Use Information to Make Decisions," *Crime and Delinquency* 18 (July 1972): 253-62.

[21] Also see Thomas P. Monahan, "National Data on Police Dispositions of Juvenile Offenders," *Police* 14 (1969):Table 2, p. 38.

[22] Robert McDermott and Andrew Rutherford, *Juvenile Diversion* (Minneapolis, Minn.: Department of Criminal Justice Studies, University of Minnesota, 1975).

[23] Peter J. Pitchless, "Law Enforcement Screening for Diversion," *California Youth Authority Quarterly* 27 (1974):4.

[24] Roger Baron, Floyd Feeney, and Warren Thornton, "Preventing Delinquency through Diversion: The Sacramento County Diversion Project," *Federal Probation* (March 1973):13-18.

[25] Jay Olson and George H. Shepard, *Intake Screening Guides: Improving Justice for Juveniles* (Washington: Office of Youth Development, U.S. Department of Health, Education, and Welfare, 1975), p. 8.

[26] See Frank Cannon, *Final Report: Evaluation of the Alternative to Secure Detention Project* (New York: Research Center, New York City Department of Probation, 1975), Table 10, p. 246 for crosstabulation of petitioner and race and sex of youth.

[27] R. Hale Andrews and Andrew H. Cohn, "Ungovernability: The Unjustifiable Jurisdiction," *The Yale Law Journal* 83 (1974):1383-1409.

[28] In other States this category is variously referred to as MINS (minors in need of supervision), CHINS (children in need of service). Twenty-five States employ separate status offense categories according to Mark M. Levin and Rosemary C. Sarri, Juvenile Delinquency: A Comparative Analysis of Legal Codes in the United States (Ann Arbor, Mich.: National Assessment of Juvenile Corrections, 1974), p. 12.

[29] Andrews and Cohn, "Ungovernability," p. 1385.

[30] Ibid., pp. 1385-96. In this context "ungovernability" was defined to encompass all cases initiated by parents.

[31] Ibid., p. 1386, Footnote 24: cases brought to intake and adjusted there are considered in this note because there are "substantial consequences for the youth's life: Time is occupied, behavior probed, and frequently, the youth is led to accept 'voluntary' counseling under the threat of being sent to court in the future."

[32] Ibid., pp. 1386-87.

[33] Ibid., pp. 1391-94.

[34] Ibid., p. 1395.

[35] Ibid., p. 1396.

[36] Ibid.

[37] Terence P. Thornberry, in "Race, Socioeconomic Status and Sentencing in the Juvenile Justice System," Journal of Criminal Law and Criminology 64 (1973):90-92, reviews the literature on this point; Robert M. Terry, "The Screening of Juvenile Offenders," Journal of Criminal Law, Criminology, and Police Science (1967); McEachern and Bauzer, "Factors Related to Disposition in Juvenile Police Contacts" in M. Klein and B. Myerhoff, eds., Juvenile Gangs in Context (1964), p. 148; N. Goldman, "Police Reporting of Offenders to Juvenile Court," (duplicated paper on file with author); Shannon, "Types and Patterns of Delinquency Referral in a Middle-Sized City," British Journal of Delinquency (1963); and Hohenstein, "Factors Influencing the Police Disposition of Juvenile Offenders," in T. Sellin and M. Wolfgang, eds., Delinquency: Selected Essays (1969), p. 138.

[38] Thornberry, "Race, Socioeconomic Status and Sentencing," p. 90.

[39] The data had been assembled by M. Wolfgang, R. Figlio, and T. Sellin for their book entitled Delinquency in a Birth Cohort (Chicago: University of Chicago Press, 1972).

[40] Thornberry, "Race, Socioeconomic Status and Sentencing," p. 93.

[41] "Remedial arrest: handled entirely by the police. In this case, the juvenile is almost always taken to the police station and detained for an hour or so. His case is not forwarded to any other

legal agency (e.g., the courts), but his parents or legal guardians are notified and the case is often referred to the city's Department of Welfare. The offense, however, is listed in the police file.", Ibid., p. 93.

[42] Ibid., p.97, see Table 8.

Chapter II

VARIATIONS IN DECISIONMAKING: INTAKE

By intake we mean two analytically distinct but closely related processes: court intake and detention intake. Court intake processes involve decisions as to whether there is probable cause to believe a youth has committed an illegal act and, if so, whether the court should assume jurisdiction formally or process the case informally. (We will return to the latter distinction.) During the process of court intake a complaint is heard and a petition may be drawn and later affirmed or denied, perhaps at an intake hearing. Detention intake involves decisions about whether the youth is to be held pending a court hearing and, if so, where and with whom. There may or may not be a detention intake hearing.

Detention and court intake processes may be so merged that in practice they can hardly be seen as separate. It is at intake that court and other officials make fundamental decisions that have profound consequences, some clearly seen and others not, some direct and others not. Among other things, a record is being established or added to. Those dossiers can gravely affect young futures. As we will show, inclusion of detention on those records can have major and adverse effects.

It is also at intake that the court through its own resources can take an organized view of the cases presented. Those cases may reflect inconsistent police decisions resulting in inappropriate as well as too many referrals. If so, the court can institute procedures to apply clear, written rules to intake decisions. In this way the court can stand as a barrier against improper referrals. Of course, the court can also augment the chaos if court procedures and standards are so informal that employees are largely unaware of what they are doing collectively and the consequences of their acts.

Logically, one might expect court intake to occur before detention intake. That is, one might expect that decisions establishing court jurisdiction would take place before decisions determining the physical custody of the youth pending further court proceedings. However, the detention intake decision more often than not precedes the court intake decision.

Juvenile courts generally are not organized to gather and assess the relevant facts immediately and to make official decisions regarding jurisdiction over cases. The detention decision is not postponed until this is done. Instead, a custody decision usually is made first pending the later decision about court intake. In some jurisdictions detention intake decisions are guided by explicit criteria and outcomes are reviewed regularly. In other jurisdictions, they are not. In some jurisdictions, the court intake decision must be made within a specified time period (e.g., 24 hours) or the youth must be released. In other jurisdictions, such time intervals and procedures have not been specified. Because our assignment has been to examine detention and alternatives to the use of detention and because the 14 jurisdictions we visited all made detention decisions prior to court intake decisions, we have decided to give primary attention to detention intake, relating court intake to that decision process. First, however, we will examine the issues embedded in court intake so that the reasons for our later comments will have a frame of reference.

The Issue of Court Intake

A full discussion of court intake is beyond the scope of a monograph that must ultimately focus on use of secure detention and of alternatives to secure detention. Such a discussion would involve, among other things, analysis of the large literature on the proper role and function of the juvenile court, which we have not even attempted for present purposes. Instead, we address ourselves here to a few matters that appear to have a direct or indirect bearing on the numbers and kinds of youths who are at risk for detention or alternative programs.

As noted earlier the jurisdiction of the juvenile court is so broad that "almost any child can be picked up and placed in detention."[1] Also, many courts appear to accept almost any youth referred by a policeman, other official, parent, or other citizen--at least for a short period of time or perhaps even a longer one.[2] They may have no policies about initial court intake that sort out different varieties of offenses and situations. There sometimes also is a belief, mentioned in the literature, that it is the duty of the court to accept citizen complaints,[3] even though no probable cause has been determined for several days.[4] Thus, youths are detained for extended periods without any judicial opinion that they are within jurisdiction. Given the broad jurisdiction of a juvenile court, the lack of court intake policies and procedures that are clear and in writing will almost necessarily result in accepting and detaining, needlessly, large numbers of referrals.

Some courts, even those with clear policies and procedures, do not have intake staff on duty during hours when they are needed. For example, a study of minors booked into San Francisco's Juvenile Hall reported that 73.9 percent of all admissions took place between 5:00 p.m. and 8:00 a.m., with 40.6 percent of them between 5:00 p.m. Fridays and 8:00 a.m. on Mondays.[5] Children taken into custody during such hours often are detained until staff arrives to make court intake decisions. Because of this, intake units should operate, or intake workers should at least be available on call, 24 hours each day.[6]

In many jurisdictions an intake or other worker makes the decision that a particular case is to be dismissed, referred to court for adjudication, or processed informally (nonjudicially). (If detention intake and court intake are combined, the worker also makes the decision, perhaps reviewed later, that a youth referred to court is to be placed in secure detention, returned home to await hearing--with or without conditions--or placed in some other residential setting.) There is some evidence that informal processing is used frequently. "Since more than half of all juvenile cases presently referred to the courts are being handled nonjudicially [without formal hearing], it is estimated that improved intake services could substantially reduce the number of cases referred for adjudication."[7] We have located no studies of the criteria applied other than one research report which found that a juvenile's race influences such decisions.[8]

Nonjudicial processing does not insure that secure detention is not used, nor does it automatically mean diversion from court jurisdiction. Youths may be hald in detention while jurisdictional decisions are being made or as acts of discipline. Even so, youths processed informally are probably less likely to be detained than are youths processed formally. Informal processing sometimes means that processing goes forth without a formal determination of fact or that decisions about whether to claim jurisdiction are being postponed pending further reports on the youth's behavior.[9]

Detention Intake

For many years the literature on detention care followed the formal definition set forth by the National Council on Crime and Delinquency (NCCD)--namely, that detention "is the temporary care of children in physically restricted facilities pending court disposition or transfer to another jurisdiction or agency."[10] Although others have suggested expanding the definition to include alternative programs,[11] we have retained the NCCD definition here, believing that to depart from it would jeopardize such clarity as we have managed to achieve. There is a second reason as well. To comprehend the functions of many programs referred to as alternatives to the use of secure detention it is necessary to have a clear view of what the proper use of secure detention is. Then the alternative programs can be examined to see if how they are used is equivalent to the proper use of secure detention. Many such programs are not alternatives to the use of secure detention in this sense. Some of them instead function as means of escaping from past misuses of secure detention. Others appear at least in part to function as means of extending services to youths who in the past would not have received them.

To understand these points it is necessary, first, to understand the status of current detention practice. Then the ways in which some alternative programs have developed will be more readily comprehended.

Patterns of Decisionmaking

Our initial comment on the literature on detention intake must be that it is rather interesting, but deficient. The basic descriptive studies of decisionmaking processes have not been done.[12]

A source of confusion about detention intake stems from the fact that the phrase is used to designate different kinds of decisions. Sometimes it refers to an initial decision to hold a youth (sometimes for a very brief period and sometimes for a more extended one) until a formal decision is made about whether to proceed with legal action (court intake). Other times the phrase is used to designate formal confirmation of an earlier holding decision.

In many jurisdictions a policeman or another adult brings a youth to the court or detention facility to be locked up. Someone, perhaps a probation officer, takes information and makes a decision. No hearing is held concerning detention, and there may be no consideration of probable cause for several days until a detention hearing or even until the adjudicatory hearing. However, someone, again perhaps a probation officer, may decide to release a detained youth to await hearing.

Our visits to 14 jurisdictions provided limited information about the organizational context of the decision to detain juveniles prior to adjudication. The findings cannot be generalized widely, but they do illustrate differences in practices referred to in some literature.

We asserted that the numbers and kinds of youths presented to court vary with patterns of police decisionmaking and, in turn, that the pattern itself is influenced by the range of options available to police making these decisions. For example, we visited one urban court with a large volume of cases and relating to only one police department. Another court, however, in a city of slightly smaller size, received referrals from 67 departments. But those two jurisdictions were not typical: eight of the other courts visited received referrals from 4 to 8 police departments; four others related to as few as 12 or as many as 20 departments.

Use of diversion programs by police in lieu of referral to court for formal processing also influences which youths arrive at detention intake. Such programs were available for use in only six of the 14 jurisdictions visited. In seven of the remaining eight jurisdictions, the only options available to police were (a) to release, (b) to send home with a summons or citation to await notification of court date, or (c) to bring the youth to court or detention intake for detention. In one other jurisdiction, police options were even fewer. They were not permitted to exercise option (b) above.

With this understanding of the variation in processes bringing youths before the 14 courts for intake, what did detention intake look like? In four jurisdictions admission to detention was automatic. In other words, a request for detention resulted in admission to detention. Thus, the intake decision may be interpreted as either having been delegated, at least initially, to the referring agency or as having been postponed for later determination. In the 10 other jurisdictions court (or detention) personnel made the initial intake decision. In five of these, four options were available:

(a) release to parents and from the court's jurisdiction entirely,

(b) release to parents with youths placed on informal probation,

(c) release to parents with adjudicatory hearing to follow (i.e., petition filed), and

(d) admission to secure detention with adjudicatory hearing to follow.

The reader should note that at this point the court intake decision has been joined with the detention intake decision. Option (b) is a decision to proceed informally. Options (c) and (d) rest on acceptance of the case for formal processing. Four of the remaining five jurisdictions did not have informal probation as an option but did have (in addition to the other three listed above) the option of placing the youth in a program used as an alternative to secure detention. The options at detention intake in the 14th jurisdiction consisted only of release from jurisdiction, release to parents with adjudicatory hearing to follow, or admission to secure detention pending a detention/arraignment hearing.

Another view of the information just presented is to note that at the point of initial contact with court or secure detention personnel, 7 of the 14 jurisdictions did not provide the possibility of placing juveniles in a program designed as an alternative to secure detention. This may seem puzzling since each of the 14 jurisdictions had been selected for a visit because it used such alternative programs. It is explained by the fact that seven jurisdictions select youths for alternative programs from those already placed in secure detention.

Criteria for Decisionmaking

The first question is whether or not the initial decision to detain is guided by criteria. This is a difficult question to answer. In the 10 jurisdictions where admission to detention was not automatic, all officials interviewed stated that criteria were applied. In seven they were in writing but in three they were not. In five it appeared to us that the written criteria were actually used in the decisionmaking process. On this matter, however, two additional points need to be made. One is that in eight of the 10 jurisdictions under discussion, intake officials said that their decisionmaking always involved a subjective element and that this element was most evident in case situations involving offenses against property. A second point (our own) is that in nearly every jurisdiction we were told that secure detention was still being used inappropriately for some youths because a more appropriate social service or alternative placement in the community was unavailable at the time the decision had to be made.[13] This was especially true in case situations involving status offense behavior.

A second question about detention intake and the use of criteria was whether the choice among options available to detention intake officials was guided by criteria. This is even more difficult to answer than the first. Earlier research has established that careful examination of records of such decisions may reveal little relationship between criteria said to be followed and the decisions actually made.[14] In concurrent custody and processing decisions, the central issue may be not the existence or use of criteria but rather the prevailing administrative philosophy held by the presiding judge and senior court officials.[15]

Some of the jurisdictions visited, for example, made extensive and conscious use of the option to release to parents and from the court's jurisdiction entirely. In others, use of this option was kept to a minimum on the belief that every youth charged was entitled to have the charge heard in a formal hearing. Similarly, the choice between the options of release to parents or of secure detention pending adjudication was in some jurisdictions largely at the discretion of intake officials; other jurisdictions applied automatic exclusion and inclusion policies based largely upon severity of the offense charged. Informal probation was not used for a large number of juveniles in any jurisdiction we visited. When used at all it was either a means of making court resources and services available to youths and their families or of giving youths "one last chance" to avoid formal court processing.

What began to emerge from our examination of a limited number of jurisdictions was the possibility that prevailing judicial and administrative philosophy regarding the court's purpose and function may have a greater influence on the patterns of decisions than do the existence or use of explicit criteria to guide decisionmaking.

Hearings

Levin and Sarri have reported that in 1974, 35 states required, within a set period of time, some form of judicial review of the decision to detain. But their data revealed that the provisions for such a review varied widely among States.[16] Our findings support theirs. Twelve of the jurisdictions we visited held detention hearings at which either a judge or a court referree presided. But the time elapsing between the initial detention decision and the formal detention hearing ranged from 24 to 72 hours, court time, or up to 9 days in real time. In most of the jurisdictions visited, the detention hearings produced decisions removing significant numbers of youths from secure detention. In others, the detention hearings served mainly to confirm initial detention decisions, few of them being reversed.

Detention Rates

When detention intake, court intake, and the detention hearing are viewed as a whole, noting that similar decision structures can produce varying patterns of actual decisions, it is not surprising that systematic studies have found large differences in detention rates. For example, a report presenting data on admissions to secure detention for 19 counties in Michigan in 1972 calculated a detention rate based on the number of juvenile arrests in each county that year. Use of detention ranged from 8 percent to 52 percent between counties (see Table 2). More recently, Saleebey has reported data on admissions to secure detention in 1973 for 33 large cities in the United States. He computed a detention rate as the number of admissions per 100,000 population in each city. The variation between cities is even more extreme than that reported for the 19 counties in Michigan. Admissions per 100,000 population ranged from 101 in Birmingham, Ala., to 1,413 in Memphis, Tenn. (see Table 3).

The points we wish to emphasize regarding the use of secure detention are that (1) the rates have continued to vary considerably across the country; and (2) high rates are generally symptomatic of a poorly organized intake process or an unexamined judicial philosophy regarding the proper use of secure detention, or both. We are inclined to believe that if decisions to use secure detention were guided by criteria, such as those published by the National Council on Crime and Delinquency, the variation in detention rates might not be so extreme. But we do not even know what proportion of all detention facilities in the country use these or similar written criteria. We do know from studies to be reviewed in the next chapter that variation in rates often appears strongly related to nonlegal factors such as age, race, sex, attitude of youth, presence and attitude of parents, and time of day or week when youths are presented for admission. Our experience in conducting site visits tends to support this view.

A Concluding Note With a View From Inside

What might we conclude? Perhaps youths who have committed more serious delinquent acts tend to be detained in greater proportions that those who have committed less serious acts or who are status offenders; but there is evidence that contradicts even that generalization. Furthermore, use of detention varies greatly geographically, with little relationship to community characteristics.[17] A recent study of Massachusetts reported that age of the juvenile and region of the State, but not past record or seriousness of offense, differentiated youths who were detained from those who were not. "The relationship with age may be because younger youth are frequently in trouble for being incorrigible or running away from home, and thus are judged unlikely to appear in court if not detained."[18]

> Nature of offense, race, sex, delinquent career (measured by previous commitment or referral to the Department or by having run from a DYS unit), type of adult head of household, school attendance, work history, and relationship with parents and other significant persons did not discriminate between these two groups of youth in our sample. We are left with the conclusion that placement in either of these two groups is greatly influenced by the availability of detention options to the

TABLE 2

Selected 1972 Information on 19 Secure Detention Facilities

	Secure Detention Admissions Data					Arrests and Administrative Statistics					
County	Total	Male	Female	OOC[a]	Local	Arrests	Det. Rate	Child Care Days	Cap'y	Ave. Daily Pop.	Ave. Length of Stay
Allegan	191	121	70	54	137	457	30.0	2,947	15	8.1	15.4
Bay	211	134	77	113	98	1,220	8.0	2,813	13	7.7	13.0
Berrien	243	136	107	0	243	1,989	12.2	2,199	11	6.0	9.1
Calhoun	502	347	155	114	388	1,602	24.2	12,600	42	34.5	25.1
Genesee	1,550	1,019	531	134	1,416	3,430	41.3	25,094	72	68.8	16.0
Ingham	793	525	268	21	772	1,487	51.9	5,435	17	14.9	7.0
Jackson	628	437	191	48	580	1,103	52.9	8,497	41	23.3	14.0
Kalamazoo	875	570	305	136	739	3,376	21.9	7,872	40	21.5	10.0
Kent	1,338	882	456	168	1,170	4,681	25.0	13,021	45	35.7	9.6
Lenawee	241	144	97	101	140	770	18.2	4,238	22	11.7	17.3
Macomb	1,637	1,144	493	156	1,481	7,117	20.8	22,218	70	60.9	13.5
Monroe	430	276	154	54	376	1,253	30.0	2,975	14	8.2	6.9
Muskegon	427	243	184	69	358	2,071	17.3	3,057	14	8.4	12.0
Oakland	1,426	Unav.	Unav.	37	1,389	8,710	15.9	12,317	90	96.5	12.0
Ottawa	217	155	62	22	195	1,834	10.6	1,963	12	5.4	9.1
Saginaw	847	512	335	93	754	3,952	19.1	11,119	42	30.5	13.1
St. Clair	445	297	148	102	345	1,716	20.0	5,801	26	15.9	13.0
Washtenaw	388	195	193	107	281	2,508	8.6	4,502	27	12.3	13.9
Wayne	6,705	4,357	1,848	182	6,523	26,578	24.5	81,147	215	181.0	13.0
Totals:	19,094	11,994	5,674	1,711	17,383	75,854	22.8	229,865	828	629.8	

Source: Survey Form 8 and the Uniform Crime Report, cited in John Howard Association, Michigan Juvenile Justice Services: 1973 (Chicago: John Howard Association, 1974), Appendix A, Table 4, p. 60.

Note: The detention rate column represents the percentage of "local" admissions in relation to the "arrest" column and does not include either jailings of juveniles or out of county (OOC) admissions.

[a] Out of county admissions

TABLE 3

Detention Admissions, Capacities, and Average Daily Populations of 33 Cities in the United States, 1973

Area Served and 1970 Population	Admissions	Rate per 100,000 Total Population	Capacities	Rate per 100,000 Total Population	Average Daily Population	Rate per 100,000 Total Population
Los Angeles, California Pop. 7,036,887	27,984	398	1,090	15.48	1,044	14.83
Chicago (Cook), Illinois* Pop. 5,493,529	9,011	164	365	6.64	245	4.45
Detroit (Wayne), Michigan* Pop. 2,670,368	6,154	230	175	6.55	175	6.55
Philadelphia (Philadelphia), Pa. Pop. 1,950,098	5,553	285	212	10.87	167	8.56
Houston (Harris), Texas*[a] Pop. 1,741,912	4,500	258	110	6.31	110	6.31
Cleveland (Cuyahoga), Ohio Pop. 1,721,300	3,258	189	98	5.69	78	4.53
Pittsburgh (Allegheny), Pa. Pop. 1,605,133	3,664	228	120	7.47	90	5.60
San Diego, California Pop. 1,357,854	11,711	862	205	15.09	288	21.20

*Original juvenile court jurisdiction terminates upon reaching age 17.

[a] Figures provided by Bureau of the Census, U.S. Department of Commerce

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TABLE 3 (Continued)

Area Served and 1970 Population	Admissions	Rate per 100,000 Total Population	Capacities	Rate per 100,000 Total Population	Average Daily Population	Rate per 100,000 Total Population
Dallas (Dallas), Texas* Pop. 1,327,321	4,747	358	70	5.27	80	6.02
Seattle (King), Washington Pop. 1,156,633	3,103	268	119	10.28	93	8.04
Milwaukee (Milwaukee), Wisc. Pop. 1,054,249	5,112	485	88	8.34	95	9.01
Phoenix (Maricopa), Arizona Pop. 968,487	4,000 (est.)	413	101	10.42	95	9.80
Baltimore, Maryland (Independent City) Pop. 905,759	2,436 (no "status" cases)	268	not available	not available	not available	not available
Columbus (Franklin), Ohio Pop. 833,249	4,562	547	79	9.48	74	8.88
San Antonio (Bexar), Texas* Pop. 830,460	2,022	243	23	2.76	39	4.69
Indianapolis (Marion), Indiana Pop. 793,590	4,637	584	244	30.74	159	20.03
Washington, D.C. Pop. 756,510	5,339[a]	705	65	8.59	not available	not available
Boston (Suffolk), Massachusetts* Pop. 735,190	not available	not available	not available	not available	not available	not available

*Original juvenile court jurisdiction terminates upon reaching age 17.

[a] Figures provided by Bureau of the Census, U.S. Department of Commerce.

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TABLE 3 (Continued)

Area Served and 1970 Population	Admissions	Rate per 100,000 Total Population	Capacities	Rate per 100,000 Total Population	Average Daily Population	Rate per 100,000 Total Population
Memphis (Shelby), Tennessee Pop. 722,111	10,203	1,413	64	8.86	25	3.46
San Francisco, California Pop. 715,674	5,982	835	139	19.42	151	21.09
Birmingham (Jefferson), Ala.** Pop. 644,000	653	101	52	7.71	34	5.27
St. Louis, Missouri* (Independent City) Popl. 622,236	2,951	474	165	26.51	101	16.23
New Orleans (Orleans), La.* Pop. 593,471	1,354[a]	228	50[a]	8.42	not available	not available
Jacksonville (Duval), Florida* Pop. 528,865	3,089	584	86	16.26	46	8.69
St. Petersburg (Pinellas), Fla.* Pop. 527,000	1,970	377	83	15.90	55	10.53
Denver (Denver), Colorado Pop. 514,678	5,266	1,023	100	19.42	84	16.32
St. Paul (Ramsey), Minnesota Pop. 476,000	2,170	456	30	6.30	27	5.67
Camden (Camden), New Jersey Pop. 456,000	939	206	36	7.89	96	21.05

*Original juvenile court jurisdiction terminates upon reaching age 17.

**Original juvenile court jurisdiction terminates upon reaching age 16 for boys, age 18 for girls.

[a] Figures provided by Bureau of the Census, U.S. Department of Commerce.

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TABLE 3 (Continued)

Area Served and 1970 Population	Admissions	Rate per 100,000 Total Population	Capacities	Rate per 100,000 Total Population	Average Daily Population	Rate per 100,000 Total Population
New Bedford (Bristol), Ma.* Pop. 444,000	not available	not available	not available	not available	not available	not available
Norfolk, Virginia (Independent City) Pop. 307,951	1,161	377	52	16.88	37	12.01
Des Moines (Polk), Iowa Pop. 286,000	588	206	25	8.74	21	7.34
Corpus Christi (Nueces), Texas* Pop. 237,000	634	268	23	9.70	7	2.95
Duluth (St. Louis), Minnesota Pop. 220,000	1,002	455	21	9.54	23	10.45

*Original juvenile court jurisdiction terminates upon reaching age 17.

Source: George Saleebey, Hidden Closets: A Study of Detention Practices in California. (Sacramento, California: California Department of Youth Authority, 1975), Table 5, pp. 25-27.

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courts and perhaps by the nature of interpersonal interactions in court or community pressure, but not substantially by the background characteristics of the youth involved.[19]

Our review of the literature and our site visit experiences tend to support the following statements regarding intake to court and detention.

(1) Detention facilities receive a flood of inappropriate referrals from police, parents, and other adults.

(2) Some courts have no detention criteria at all, merely accepting the cases referred by police.

(3) Other courts have verbal standards but leave intake decisions to employees who may introduce additional criteria, which may not be the same from employee to employee.

(4) Detention officials in many areas yield to the demands of police, parents, and social agencies for detention, even if criteria are violated.

(5) Even when court officials screen referrals conscientiously, youths referred for status offense behavior are often detained securely and retained for extended periods because appropriate services and alternative placements in the community are not available. There are court officials who prefer doing nothing rather than detaining such offenders, but they appear to be in the minority.

(6) Decisions are too infrequently monitored, so judges and court personnel often do not know what is going on.

(7) Detention practice has low visibility, except during moments of publicized scandals. In general, there is little evidence of public interest in detention, except for the efforts of a few ad hoc organizations concerned with services to children and youth.

What does a jurisdiction, with intake out of control, look like from an inside perspective? We are fortunate to have available a detailed description of conditions influencing detention practices in Cuyahoga County, Ohio, at the time of a successful attempt to reduce misuse of secure detention. The passages on opposition to gaining control of intake reveal the improper purposes for which detention was being used. Judge Walter G. Whitlatch's description brings to life what we could only infer by piecing together miscellaneous studies.

The sections of Judge Whitlatch's article quoted below do not include the passages that describe how the operation was brought under control later. For that, the reader is referred to the full article.

Cuyahoga County (Cleveland), Ohio

Definitive comparative studies of admission practices of detention homes in Ohio and comparisons with other large urban counties elsewhere in the United States show that our past performance prior to 1967 closely paralleled the experience of other detention facilities. That is, our detention home practices were perhaps better than some and not quite as good as others. During the period under review, all of the counties included in our comparative study experienced about the same relative increase in delinquency and unruly filings. While Cuyahoga County experienced a decrease of 23 percent in admissions, six of the other counties experienced increases ranging from 6 percent to 42 percent.

There is no dearth of articles articulating the philosophy of proper detention practice. But there is an absolute paucity of material on the practical implementation of this philosophy. It is, therefore, our purpose to set forth just how we went about accomplishing this significant reduction in our detention home population.

In 1966 our detention home was bulging with children and was commonly characterized by the news media as a "zoo" and a "snake pit." The faciliity, which had a rated capacity of 150, frequently housed as many as 225 children. On occasions, as many as 25 additional children were placed in the county jail when it became physically impossible to house them in the detention home. This overcrowdedness produced conditions typical of all overcrowded children's institutions. That is, a strained and nervous staff, a tension-ridden atmosphere, frequent escapes, homosexuality, physical assaults on staff, and physical abuse of children. An ever-increasing delinquency rate and the censure of public opinion, coupled with our real concern for the children in detention, caused the court to abandon a "we can't do anything about it" attitude and to substitute, therefore, a positive attitude that something had to be done.

Avowedly, prior to our control program...we followed the generally accepted philosophy that no child should be detained unless there was a substantial probability that he would commit an act dangerous to himself or to the community, or that he would abscond pending court disposition. Actually this policy was subect to the interpretation of so many individuals that it was never intelligently implemented. In practice, children were admitted to the detention home upon the request of social workers, intake personnel, probation officers, police officers, school officials, and parents without any well defined criteria for admissions. Further, it was only on rare occasions that any concerted effort was made to effect expeditious releases. Obviously, what was needed was the enforcement of the avowed criteria for admissions and a concerted effort to speed up releases. It was quite clear that there must be but one interpretation of the court policy for the necessity for detaining children in detention homes.

We then began the difficult task of implementing our new admission and release policy. Naturally, we encountered much resistance as we began to challenge the admission or detention of each child on our interpretation of the child's need of detention. Social workers, probation officers and police officers, who had previously for all practical purposes made the decision as to the necessity of detaining the child, reacted strenuously to our screening process. Probation officers and social agencies, unaccustomed to any urgency about placement plans, resented the effort being made to expeditiously move children from the detention home. Police officers throughout the county protested that children we were returning to their homes would commit further delinquent acts pending hearing.

Interestingly enough, the most caustic criticism came from the extreme end of the spectrum: the police and the sophisticated private agencies. The police, because of the enormous pressures of their job in controlling youth crime and the punitiveness of some individual officers, wanted us to detain many children whose detention we deemed unncessary.

The social agencies which staunchly proclaimed their nonpunitive philosophy wanted us to detain children as a part of their "treatment" process.

Helpful in discouraging one of the social agencies from the overuse of detention was our new requirement that an official complaint must be filed concerning each child placed in the detention home. The law requires that parents must be notified when such a complaint is filed. The reaction of well-to-do parents who had placed their children in this treatment center hopefully to prevent the child from becoming delinquent is not difficult to imagine. This agency soon found other "treatment methods" to replace disciplining children by a stay in the detention home.

...It had been a common practice for a probation officer to place a child in detention who was uncooperative, who failed to keep appointments, who truanted from school, or who, upon a complaint of the parents, was considered out of control at home.

Many judges sincerely believe that detention has therapeutic value and that confinement serves as a deterrent to further delinquency. The writer of this article, prior to the commencement of our program, used detention in certain limited instances for this purpose.

As we began our initial effort to reduce population, we found that many children were being detained, awaiting acceptance by various state, county, and private facilities, who, often arbitrarily and for their own convenience, imposed quotas and admission requirements on the court.

With our own probation staff and our county child welfare agency, our task was to get these people to accept the reality of the alternatives available to them in their plans for individual children. Commendably, these social workers were desirous of effecting a highly individualized placement plan for the child of their concern. Frequently, the consummation of such a plan took weeks, sometimes months, or finally had to be abandoned. In the meantime, the child languished in detention. We insisted that instead of this sometimes exercise in futility of searching for perfection, that the best plan available for the child be implemented. We...lost nothing for our children in general since there would always be other children who could just as appropriately use the individualized placement if and when it became available.

Our experience indicates that girls are more frequently the victims of unnecessary detention than are boys. In 1966 when delinquency and unruly complaints involving boys exceeded those involving girls by almost four to one, girls comprised almost 33 percent of our average daily population, 55 girls compared with 116 boys.

...Boys are generally detained because of their propensity for criminal involvement, whereas girls are only rarely detained for this reason. It is indeed exceptional to detain a girl because she is a danger to the person or the property of others. In the vast majority of cases, girls are detained for their own protection. It is our conclusion that we are frequently overprotective of girls. In many instances the runaway girl, who is the object of a police search, is not apprehended until she returns to her home. In such cases, there is no reason to place the child in detention even though there well may be a need to go forward with the court proceeding. While we believe that girls are sometimes needlessly detained to their disadvantage, we are firmly persuaded that there are girls who sorely need the safety and comfort of a controlled detention setting.

The imposition of arbitrary detention rules results in the unnecessary detention of many children. These rules are generally based on the seriousness of the alleged offense; such offenses commonly are homicide, aggravated assault, armed robbery, rape, and possession of guns. Superficially, this appears to be a sound basis for detention. Therefore, detention of children held under such a rule frequently goes unchallenged by parents and counsel, and the screening process by staff ceases with the information concerning the nature of the charge. The obvious invalidity of such a rule is that it takes into consideration only one aspect of the screening process, albeit, an important one. A classic example of such unnecessary detention and an instance where detaining a child is traumatic to the extreme is the case where a child has shot and killed a friend while he and the victim were playing with a loaded gun. Of course, detention is sometimes necessary while investigating the circumstances of the tragedy, but this should be of brief duration so that when the accidental nature of the incident is determined, the child can be released. To hold such a fear and guilt-ladened child in detention can easily cause psychological and emotional damage from which he may never recover. Stabbing, resulting in critical injury, which may have been an incident of a fight between two boys, is another common situation where a child may be arbitrarily detained when, considering the circumstances and the child's disposition, there is little likelihood of a repetition of the offense. Alleged rape, especially where several boys are involved, is another instance where the arbitrary rule should be supplanted by individual close scrutiny as to the necessity of the detention. An immediate clinical evaluation to determine the degree of the child's aggressiveness and impulsivity can sometimes be quite helpful in ascertaining the necessity of detaining children involved in delinquency of an assaultive nature.

...Of the 3,947 children admitted to the detention home in 1970, 2,066 or 52 percent were readmissions. Five hundred of these readmissions were wards of the Ohio Youth Commission. These were children who, generally after an unsuccessful probation experience, had been committed to the Ohio Youth Commission for residential care and treatment. The majority of them had been returned to their dissocial home environment after an institutional stay of five or six months under the supervision of the Ohio Youth Commission's inadequate and sometimes nonexistent "after care" program. Had these children received the benefit of a properly programmed residential school for an appropriate length of time and an adequate after-care program in keeping with their actual needs, the necessity of returning a substantial majority of them to the detention home would have been obviated. We single out the Youth Commission's "parolees" simply because they accounted for 25 percent of the recidivists in the detention home. Unfortunately, because of failure to care for children, repeated stays in a detention facility are all too typical of many of the dispositional alternatives available to the courts, frequently including the court's probation department....Unquestionably, detention homes under the best of circumstances will always have recidivists, but without doubt, the number can be materially lessened by the availabiliity of adequate facilities and their intelligent, energetic and dedicated usage.
-- Walter G. Whitlatch.[20]

Our line of reasoning up to this point has been that decisions made by police and other citizens as to whether to refer or bring youths to the juvenile court interact with decisions made by court and detention intake officials as to whether to accept those referred. Viewed in combination, these decisions influence the numbers and characteristics of youths who are placed in secure detention, or in an alternative program, or who are simply returned home to their parents. Thus, the use of secure detention and of alternative programs will vary depending on how well or poorly the decisionmaking process governing youths' access to them functions. The next chapter reviews and summarizes what is known from published literature about variations in the use of secure detention. Chapter IV describes how each of the 14 programs we visited were used as alternatives to secure detention.

Notes to Chapter II

[1] The President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Corrections (Washington: U.S. Government Printing Office, 1967), p. 126.

[2] See Sol Rubin, Crime and Juvenile Delinquency: A Rational Approach to Penal Problems (Dobbs Ferry, New York: Oceana Publications, Inc., 3d edition, 1970), p. 35, for description of the breadth of State laws.

[3] Elyce Zenoff Ferster and Thomas F. Courtless, "The Intake Process in the Affluent County Juvenile Court," Hastings Law Journal 22 (May 1971):1149. Also see Patricia M. Wald, "Pretrial Detention for Juveniles" in Margaret K. Rosenheim, ed., Pursuing Justice for the Child (Chicago: University of Chicago Press, 1976), pp. 119-137.

[4] "Fifteen states do not have a statutory requirement that either a court order be secured or a detention hearing be held in order to place a child in detention." Mark M. Levin and Rosemary Sarri, Juvenile Delinquency: A Comparative Analysis of Legal Codes in the United States (Ann Arbor, Mich.: University of Michigan, National Assessment of Juvenile Corrections, 1974), p. 30.

[5] Bay Area Social Planning Council, The Juvenile Justice Commission, The Court (November 1968), Chapters XV and XVI.

[6] "Handbook for Juvenile Court Judges," a special issue of Juvenile Court Journal 23 (Winter 1972):21-23. Also see John Howard Association, Juvenile Detention and Alternatives in Florida (Chicago: John Howard Association, 1973), p. 48.

[7] American Bar Association Commission on Correctional Facilities and Services, Statewide Jail Standards and Inspection Systems Project, Survey and Handbook on State Standards and Inspection Legislation for Jails and Juvenile Detention Facilities (Washington: American Bar Association Commission on Correctional Facilities and Services, 3d edition, 1974), p. 93. The percentage for 1973, the latest year for which information is available, was 54. "Between 1972 and 1973 the number of delinquency cases handled judicially by all juvenile courts increased by 13 percent as contrasted with a 5 percent decrease in those handled nonjudicially. The changes may appear to be inconsistent with the trend toward increased diversion from the juvenile justice system. However, such conclusions could be hazardous....Many of the youths now diverted from the juvenile court system by police and intake workers would probably have been handled nonjudicially by the juvenile court in prior years. This may account for the drop in nonjudicial cases in 1973." U.S. Department of Health, Education, and Welfare, Juvenile Court Statistics 1973 (Washington, 1975), p. 3.

[8] The authors of this report commented:

"Given the rather considerable discretionary power that many jurisdictions invest in these positions [i.e., intake or probation officers] it is surprising that so little attention has been focused on the determinants of their behavior. Still, it can reasonably be assumed that at least two basic sets of influences are of potential relevance at this level of processing. First, their decision could result from a consideration of variables directly related to the alleged offenses. These we will refer to as 'legal factors.' Second, it is also possible that these decisions are related to extralegal factors associated with the personal characteristics of the alleged delinquent and his social background."

The authors present their statistical findings in these ways:

"A review of these findings reveals that the relative importance of seriousness of offense in the determination of case dispositions [to proceed formally] is greatest when the alleged offender is male, has a prior record, is black, comes from a lower social class background, is in an unstable family setting, had one or more codefendants, and when the age at first and most recent offense was between 16-17. Under all other conditions the seriousness of the offense was not so relevant in the determination...."

"...the salience of a prior record is greater when the alleged offender is black, from a lower social class background, when a felony level offense is involved, when the juvenile comes from an unstable family background, when there is one or more codefendants, and when the juvenile's age at both his most recent and his first offense is 16-17. Generally speaking, however, prior offense records do not appear to be nearly so powerful as we had expected...."

The authors give us proper warning that the jurisdiction studied had a low volume of cases: workers knew facts about the youths that were not on records. The conclusions, as a result, may not apply to high-volume courts. (Charles W. Thomas and Christopher M. Sieverdes, "Juvenile Court Intake: An Analysis of Discretionary Decision-Making," Criminology 12 [February 1975]:414, 425-28).

[9] Some of the options used at court intake are referred to as informal adjustment, informal probation, and consent decree: "Analysis of existing legal provisions for informal adjudication yields a bewildering array of terms used to denote similar processes: informal adjustment, informal probation, informal supervision, unofficial probation, counsel and advice, and consent decree" (American Bar Association, Survey and Handbook, pp. 93-96).

Informal adjustment takes the form of a conference during which decisions are made by court representatives and the family, perhaps with the participation of other parties: "Little is known about the success or failure of informal adjustments, and no definite criteria are available for assessing the eligibility of youngsters. Most recommendations are rather vague and permit the probation officer considerable latitude. Seriousness of the act, prior police and court encounters and age of the child are commonly listed as factors for consideration." (Ibid.)

Informal probation "permits informal supervision of young persons by probation officers who wish to reserve judgment regarding the necessity for filing a petition until a child has had the opportunity for some informal treatment" (Ibid., p. 95). It is widely applied: A nationwide mail survey on use of unofficial probation in 1971 showed that 72 percent of probation departments did use unofficial probation (Peter S. Venezia, "Unofficial Probation: An Evaluation of Its Effectiveness," Journal of Research in Crime and Delinquency 9 [July 1972]:149-70). Little is known about it. One study we were able to locate reported no clear relationship between the criteria stated by intake workers as governing choice of informal probation versus court processing and the facts of actual dispositions. Given such vague terms as "serious offenses" and "prior contacts," and records which did not permit evaluation, it is not surprising that there appeared to be little uniformity in decision-making. However, observation supports a belief that the intake workers' decisions had four functions: (1) eliminating cases inappropriate for court hearing; (2) saving judicial time; (3) giving service in an attempt to prevent future delinquency; and (4) avoiding the stigma of an adjudicated label of delinquency (Ferster and Courtless, "Affluent County," pp. 1135-1141).

"The use of informal probation as a method of disposition of juvenile complaints has been the subject of some controversy. Those who advocate its use claim that it has several distinct advantages. The principal benefit is that it avoids the evils incident to formal adjudication, such as curtailment of employment opportunities, stigma of quasi-criminal records, harm to personal reputation, and reinforcement of anti-social tendencies (61). A second major advantage of informal probation is that it saves judicial time and is therefore economical (62). Those who criticize informal probation allege that existing practices are too informal and do not adequately protect the juvenile's rights. For example, any child on informal probation faces the risk for a considerable period of time that formal court action on the original charge will be prosecuted if he violates his probation conditions. Some commentators believe that the result of filing a petition on the original complaint after an informal adjustment has begun "is practical and perhaps legal double jeopardy" (63) (Ibid., p. 1141 [the footnotes in the excerpted paragraph are to the following: ((61)) President's Task Force Report: Juvenile Delinquency and Youth Crime, p. 16; ((62)) Fradkin, "Disposition Dilemmas of American Juvenile Courts," in M. Rosenheim, ed., Justice for the Child, 1962, P. 125; ((63)) NCCD, Model Rules for Juvenile Courts, 1968, rule 4, comment]).

A second study reported no statistically significant differences in the further delinquency of youths placed on informal probation relative to that of three similar groups of youths (1) placed on formal probation, (2) counseled and released without further service, and (3) given no services (Venezia, "Unofficial Probation," p. 154). "A consent decree is a formal order for casework supervision or treatment to be provided either by the court staff or another agency. It is approved by the judge with consent of the parents and the child. The court does not make a formal determination of jurisdictional fact or a formal disposition" (American Bar Association, Survey and Handbook, p. 95). Court intake will be referred to again in the context of describing the decision to detain.

[10] National Council on Crime and Delinquency, Standards and Guides, p.1.

[11] Donald R. Hammergren, "The Role of Juvenile Detention in a Changing Juvenile Justice System," Juvenile Justice (November 1973):47.

[12] See M. Marvin Finkelstein, Ellyn Weise, Stuart Cohen, and Stanley Z. Fisher, Prosecution in the Juvenile Courts: Guidelines for the Future (Washington: U.S. Department of Justice, Law Enforcement Assistance Administration, National Institute of Law Enforcement and Criminal Justice, 1973), Appendix B, Table 2, for a summary of a study conducted in 1965 but now out of date.

[13] For the year 1966 the number of juveniles admitted to or retained in detention because of lack of appropriate residential alternatives was estimated at 32,891, a figure that undoubtedly included a larger proportion of dependent and neglected children than would a figure applicable to the current year. See Donnell M. Pappenfort, Dee Morgan Kilpatrick, and Alma M. Kuby, Detention Facilities, Vol. 1 of A Census of Children's Residential Institutions in the United States, Puerto Rico, and the Virgin Islands: 1966, comp. Donnell M. Papppenfort and Dee Morgan Kilpatrick, Social Service Monographs, 2d ser., Number 4: 7 vols. (Chicago: School of Social Service Administration, University of Chicago, 1970), Table 106.

[14] Elyce Zenoff Ferster and Thomas F. Courtless, "Juvenile Detention in an Affluent County," Family Law Quarterly 6 (Spring 1972):21-32.

[15] Helen Sumner, Locking Them Up: A Study of Initial Juvenile Detention Decisions in Selected California Counties (Hackensack, N.J.: National Council on Crime and Delinquency, Western Region, 1970).

[16] Levin and Sarri, Juvenile Delinquency, p. 30.

[17] A recent study of Ohio found that the only factor related to detention rate was the bed capacity available to the county. James J. Grandfield, William V. Cooper, Richard S. Milligan, and Doretta Lou Petree, Ohio Juvenile Detention Survey (Columbus, Ohio: Program for the Study of Crime and Delinquency, School of Public Administration, College of Administrative Science, Ohio State University, 1975), p. 8.

[18] Robert B. Coates, Alden M. Miller, and Lloyd E. Ohlin, "Juvenile Detention and Its Consequences," (Cambridge, Mass.: unpublished manuscript of the Center for Criminal Justice, Law School, Harvard University, 1975), p. 6.

[19] Ibid., p. 8.

[20] Walter G. Whitlatch, "Practical Aspects of Reducing Detention Home Population," Juvenile Justice 23 (August 1973):17-28.

Chapter III

VARIATIONS IN USE OF SECURE DETENTION

In prior chapters we outlined the ways through which certain youths are selected for or diverted from referral to juvenile court and processed through differently organized decision structures under competing judicial and administrative philosophies. To a limited extent we have been able to document for selected jurisdictions that such differential processing produces variation between court jurisdictions in the numbers and characteristics of juveniles processed and in consequences for them and for the processes of juvenile justice as well. One result is the large variation among jurisdictions in rates of secure detention of juveniles.

In this chapter we shall present greater statistical detail about the patterns of variation. As will be seen, some youths are more at risk than are others for admission to or retention in secure detention. First, to the extent that the literature permits, we will report on the size of the problem in terms of numbers of youths for whom secure detention (including jails) is used. Second, we will point to the organization of detention mainly as a function of local government. Third, we will report on the literature concerned with the consequences for juveniles so detained.

We will conclude that while many observers agree that pretrial placement in a secure detention facility can have negative effects upon youths so placed, this position does not have broad empirical support. We will also note that the consequences of current detention practice for the juvenile justice process itself and for the community have not been systematically studied.

It will become clear from the literature reviewed in this chapter that secure detention in many parts of the country continues to be used for reasons other than the protection of the community from youths viewed likely to flee jurisdiction or commit dangerous offenses while awaiting court disposition. It is also used for punishment, for the administrative convenience of the court, and for lack of available social services for youths and their families. In our view, detaining for these reasons constitutes a misuse of secure detention. In jurisdictions where such misuses occur there are, as a result, many youths placed in secure detention who need not or should not be held there. If an alternative program is established in such a jurisdiction and used for youths who need not or should not have been placed in secure detention in the first place, then the alternative program is more properly understood as an alternative to the past misuse of secure detention. This is not to say that alternative programs should not be tried. It is only to say that there should be clearer understanding of how some alternative programs may be used.

We will review here reasons given for the use of secure detention; in later chapters we will show that many alternative programs are being used for the same reasons.

The Size of the Problem

For 1965 the National Council on Crime and Delinquency gathered data from 250 counties and estimated for the rest of the country the numbers of children detained during that year in detention homes, jails, and other facilities not including police lockups. The total was 409,218.[1] For the following year Pappenfort and Kilpatrick reported a one day count of 10,875 youths in detention facilities.[2] In 1970, the U.S. Department of Justice conducted a national jail census that reported a total of 7,800 juveniles in 4,037 jails in the United States on a given day in March 1970.[3] The same agency in 1971 carried out a census of juvenile detention and correctional facilities that located 303 juvenile detention centers with an average daily population of 11,748 youths staying an average of 11 days.[4]

All of these research efforts noted that many jurisdictions have no detention facility available at all. For example, the NCCD survey reported that 94 percent of the juvenile court jurisdictions--serving 44 percent of the population of the United States--had no place to detain other than a jail and needed to detain too few children to justify constructing a detention facility.[5] The State detention systems established in recent years have developed partly in response to the uneven distribution of need to hold juveniles.[6]

Figures on extent of use of juvenile detention in the United States for a year more recent than 1970 are not available at this writing, but it seems reasonable to conclude that for the nearly one million youths brought before the juvenile court in 1976, their chances of being temporarily detained in a less than homelike atmosphere was slightly better than even.

The Problem as a Local Phenomenon

National counts and averages cannot highlight the central issues relating to juvenile detention, the practice of which is almost entirely local.[7] Usually the decision to detain is by local police officers and court employees, as described in Chapters I and II; the detention facility or jail is most often a county-operated facility.

Local detention practices usually have emerged from the overlapping and perhaps competing interests of local organizational units with differing operating philosophies. In nearly all jurisdictions police and probation officers interact at the detention decision point. In the growing number of jurisdictions requiring formal detention hearings the judiciary is becoming a third part to prior practices. The literature describing variations in local detention practice has been somewhat difficult to assemble, but we have obtained both published articles and public documents describing (in varying detail) detention practices at local levels in 23 states and the

District of Columbia: Arizona, California, Colorado, Delaware, Florida, Georgia, Illinois, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Montana, New Jersey, New York, Ohio, Oregon, Pennsylvania, Texas, Utah, Virginia, Wisconsin, and Wyoming.[8] There are other such publications which we have been unable to obtain, some of them cited in bibliographies.[9] All of these sources lend support to the statements we will make describing local detention in various jurisdictions across the country. Further, the patterns that emerge from these reports tend to be supported by national surveys as well as by other publications by persons knowledgeable about the field.[10]

Three broad generalizations summarize a part of the literature on local detention practices. First, there is considerable variation in the uses of detention across jurisdictions throughout the United States--so much so that we hesitate to speak of national or even regional patterns. Second, within single jurisdictions there is often considerable variation in practice across times of the day, days of the week, classifications of youths, and geographical location of arrest with respect to location of the detention facility. Third, both initial decisions to detain and subsequent decisions to retain continue to be made for reasons of punishment, administrative convenience, and treatment despite widespread agreement in the literature that such usages are inappropriate.

In addition to these broad patterns, there are several more specific generalizations that summarize the literature to which we have referred.

(1) County jails are still used for temporary detention of juveniles, particularly in less populous States. Even in some more heavily populated jurisdictions, however, jails are used for some juveniles despite the existence and availability of juvenile detention facilities. In many States seeking to reduce the use of jails for the detention of juveniles, the dominant alternative is seen as the construction of a detention facility.

(2) Use of secure detention for dependent and neglected children appears to be on the decline as more jurisdictions develop either shelter-care facilities or short term foster home programs. Some jurisdictions, however, are known to misclassify dependent and neglected children as youths in need of supervision who then are placed in secure detention. The extent of the latter practice is unknown.

(3) Many jurisdictions still exceed the NCCD recommended maximum detention rate of 10 percent of all juveniles apprehended; the proportion of all juveniles detained who are held less than 48 hours continues to hover around 50 percent. These patterns are frequently cited as evidence of the inappropriate use of detention.

(4) Many jurisdictions are unable to mobilize the resources necessary to attend to children with special (neurological and psychiatric) needs. These children are then often detained, sometimes for excessive lengths of time.

(5) Status offenders tend to be detained at a higher rate than youths apprehended for adult-type criminal offenses and also tend to be held longer.

(6) Youths of racial and ethnic minorities tend to be detained at higher rates and for longer periods than others; females are detained at higher rates and longer than males.

(7) Extra-legal factors are more strongly associated with the decision to detain (versus release) than legal factors (those specified by juvenile code). Time of apprehension (evenings and weekends), proximity of a detention facility, and degree of administrative control over intake procedures have all been found to be associated with the decision to detain in addition to those factors contained in items 5 and 6 above.

We have concluded on the basis of the available evidence that, while some progress has been made since publication of the President's Commission reports in 1967, juvenile detention by and large is still misused and used unfairly in many parts of the country. The most common explanation the literature gives for misuse is that secure detention is a substitute for probation and other community services and facilities that are not available, although such a generalization is not based on research findings. Other explanations offered are that detention is used for administrative convenience, punishment, deterrence, and simply because no other placement is available. A more immediate reason, however, is the lack of controlled, rational intake procedures. In fact, evidence of misuse of juvenile detention is the best indicator available to show how unsystematic the juvenile justice "system" really is.

However, it is important to point to exceptions to the patterns we have listed. Reuterman noted in 1970 that there were "some tentative indications that the situation may be beginning to improve."[11] He mentions "a number of isolated incidents where the juvenile court judge has taken an active part in determining the detention home program" and the formation of the National Juvenile Detention Association.[12] We are aware of judges who have taken an active role in reducing misuse of detention in their own jurisdictions in Alabama, Illinois, Michigan, New Jersey, New York, Ohio, and the District of Columbia. In some instances statewide responsibility for juvenile detention appears to have resulted in less misuse, although the evidence for the point is scanty and not uniform. We also are aware of county administrations that have gained control of and then rationalized intake procedures to their juvenile courts and referral procedures to juvenile detention facilities. Among the results have been that juveniles are no longer held in certain jails where they had been earlier and that use of secure detention for status offenders

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has been prohibited or reduced markedly in certain jurisdictions.[13] Information is sketchy, but at least a few jurisdictions have been able to develop fairly comprehensive and integrated community-based systems of care through the combined efforts of the juvenile court and local child-welfare and mental-health agencies. Such arrangements appear to allow a local jurisdiction to care for its troublesome youths well while protecting the community. It is unfortunate that reports of this kind of progress are not prepared more often or made more accessible when they exist.

The Consequences of Detention

The literature on the consequences for the youth detained is of two kinds. First are the studies, inspired mainly by labeling theorists, that have tried to identify psychosocial changes that may promote delinquent activity. The second approach is related but emphasizes the organizational consequences of being detained: are youths who have been placed in secure detention treated more severely by later decisions in the juvenile justice process than similar youths who have not been detained?

Psychosocial Consequences -- The literature on the psychosocial consequences of detention is surprisingly thin; what there is tends to be largely impressionistic, or at least not empirically based. A welcome exception is a recent study reported by the Harvard Law School Center for Criminal Justice.[14] Most of the impressionistic reports have taken a form similar to that which follows:

> Detention is probably the most significant phase in the criminal justice process because it is the initial critical contact for many juveniles. The detention process, however, has been largely ignored and little effort has been directed toward study, change or innovation. As a result, there is little awareness of the overwhelmingly negative outcome that most juveniles experience from detention.[15]

The ordinary citizen is at least made uneasy if not appalled by a first visit to even a modern secure detention facility. It is hard not to imagine the trauma of a youth's first incarceration in such a facility.[16]

Among the very few empirical studies of the psychological impact of detention upon juveniles is one by Gerald O'Connor.[17] Among other things, the author concludes that his research does provide some empirical support for contending that detention is a period of possible influence[18] and that "an institution which emphasizes concerns of control and security is more inclined to alienate its members compared to one attending to individual needs, choice, and engagement."[19]

A second study conducted by Leonard Gibbs attempted to measure deterioration in self-concept between arrest and disposition. The data did not support a view that the youths saw themselves as more delinquent following court disposition than they did after arrest.[20] Both this study and O'Connor's were based upon small samples.

Methodological problems abound in research on psychosocial changes resulting from arrest or detention, not the least critical of which is nonrandom selection of subjects. We connot conclude at this point that detention has measurable psychosocial consequences for juveniles.

An additional body of empirical literature, guided by labeling theory, bears at least tangentially on the psychosocial consequences of detention. Anne Rankin Mahoney recently has provided an extensive, critical review of it.[21] Her main points and conclusions cannot be given in detail here. Those interested should read the article itself. She summarized the literature in this way:

> In summary, we don't know much about the effects of court labeling upon juveniles. Existing research raises interesting questions about who is affected by labels, which labels have the greatest effect on youths and whether labeling effects have any long term impact.[22]

Organizational Consequences -- A recent major study by Coates, Miller, and Ohlin has examined "organization effects wherein labeling at one stage of a process influences subsequent decisions and reactions in others."[23] (That study, too, reported finding no appreciable effects of type of detention on aspirations, expectation or self-images.)[24] A finding in this study is that "Forty-seven percent of the youths detained in custodial settings were [subsequently] placed in secure programs compared to 18 percent of the youths detained in treatment facilities and 9 percent detained in shelter care units."[25] This might not be particularly surprising except for the fact that the study data also indicated: (1) that age (younger youths) and proximity to a detention facility were the variables most strongly related to the decision to detain (versus release) in the first place;[26] and (2) that decisions to detain in custodial, treatment, or shelter care were most strongly related to the availability of alternatives to secure detention and to the youth's runaway history.[27]

This is a large and complex study. It is still in process and involves a relatively unique environment--the Massachusetts Department of Youth Services--in only one State. Although it is quite carefully done, comparable findings from other States are not available. Nevertheless, it does provide us with some good data on a phenomenon that many people concerned with the application of juvenile justice worry about. It raises the specter of a "system" so inconsistent that it differentially handles a group of youths for the most part more similar than not. Moreover, the same system gives those same youths more or less harsh dispositions later, in part according to how they were handled initially.

Summary

Assertions in the literature about the consequences of using secure detention for youths do not have firm statistical support. It seems wise to specify more clearly the types of consequences of concern, prior to funding and carrying out future studies. There are at least three broad types of consequences to be considered: consequences for youths, consequences for the juvenile justice system, and consequences for the community at large.

Consequences for youths: Here the concern is with the social and emotional effects of detention on the growth and development of youths detained in secure settings. The groups to be compared are juveniles held in secure residential settings, residential alternative programs, nonresidential alternative programs, and those simply sent home. The research needed has not been carried out.

Consequences for the juvenile justice system: This "system," we have said repeatedly, is far from being systematic. Overloading at the point of detention intake can affect adversely both the degree of attention and sensitivity the system can bring to individual youths as well as its ability to perform the function of caring for youths and protecting the community in a timely and effective manner.

Consequences for the community: The use of secure detention obviously has monetary consequences for a county or State. But beyond that, there may be consequences for a community's safety: is it protected against that small proportion of juvenile offenders who are real threats? Just as important, what are the long term consequences for a community that substitutes secure detention for the care and treatment needed by its juveniles? These questions cannot be answered at the present time.

Notes to Chapter III

[1] U.S. President's Commission on Law Enforcement and Administration of Justice, *Task Force Report: Corrections* (Washington: U.S. Government Printing Office, 1967), p. 121.

[2] Donnell M. Pappenfort, Dee Morgan Kilpatrick, and Alma M. Kirby, Detention Facilities, vol. 7 of *A Census of Children's Residential Institutions in the United States, Puerto Rico and the Virgin Islands: 1966*, comp. Donnell M. Pappenfort and Dee Morgan Kilpatrick, Social Service Monographs, 2d ser., no. 4; 7 vols. (Chicago: School of Social Service Administration, University of Chicago, 1970.) Also see Clifton A. Rhodes, Donnell M. Pappenfort, and Margaret A. Sebastian, *Detention Facilities in the United States, Puerto Rico and the Virgin Islands* (Chicago: The University of Chicago, School of Social Service Administration, 1972), p. 1.

[3] U.S. Department of Justice, Law Enforcement Assistance Administration, National Criminal Justice Information and Statistics Service, *National Jail Census, 1970: A Report on the Nation's Local Jails and Type of Inmates* (Washington: Government Printing Office, 1971).

[4] U.S. Department of Justice, Law Enforcement Assistance Administration, National Criminal Justice Information and Statistics Service, *Children in Custody: A Report on the Juvenile Detention and Correctional Facility Census of 1971*.

[5] U.S. President's Commission, *Task Force Report: Corrections*, p. 12.

[6] Ibid., pp. 121-124.

[7] Rosemary C. Sarri, "Detention for Youth in Jails and Juvenile Detention Facilities," *Juvenile Justice* 24 (November 1973):2-18.

[8] The evidence is in the following publications, listed here by individual States:

Arizona: "Detention Statistics--Year of 1974" (Maricopa County Juvenile Court Center, Division of Research and Planning Services, Arizona, duplicated, August 13, 1975).

California: Helen Sumner, *Locking Them Up: A Study of Initial Detention Decisions in Selected California Counties* (National Council on Crime and Delinquency, Western Region, 1970); George Saleebey, *Hidden Closets: A Study of Detention Practices in California* (Sacramento, Calif.: State of California, Department of the Youth Authority, 1975); Roger Baron, Floyd Feeney, and Warren Thornston, "Preventing Delinquency Through Diversion: The Sacramento 601 Diversion Project," Federal Probation 37 (March 1973):13-18; and Richard Ariessohn and Gordon Ganion, "Reducing the Juvenile Detention Rate," Juvenile Justice 24 (1973):28-33.

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Florida: John Howard Association, Juvenile Detention and Alternatives in Florida (Chicago: John Howard Association, 1973).

Georgia: State Crime Commission, Office of the Governor, State of Georgia, "Attention Homes" (Atlanta: State Crime Commission, 1974) Action Grant Application, Attachment B: Detailed Project Narrative.

Illinois: John Howard Association of Illinois, Illinois Committee of the National Council on Crime and Delinquency, Juvenile Protective Association, League of Women Voters of Cook County, Lutheran Welfare Services of Illinois, and National Association of Social Workers, "Report of the New Audy Home" (Chicago: 1970); Elyce Zenoff Ferster, Edith Nash Snethen, and Thomas F. Courtless, "Juvenile Detention: Protection, Prevention or Punishment," Fordham Law Review 38 (1969):161-196.

Kentucky: G.B. Haarman and B. Sandefur, Analysis of Detention (Louisville and Jefferson County, Kentucky: Metropolitan Social Service Department, 1972).

Maryland: John Howard Association, Comprehensive Long Range Master Plan, Department of Juvenile Services, State of Maryland: A Survey and Consultation Report (Chicago: John Howard Association, 1972).

Massachusetts: Robert B. Coates, Alden D. Miller, and Lloyd E. Ohlin, "Juvenile Detention and Its Consequences" (Cambridge: Center for Criminal Justice, Harvard Law School, 1975), duplicated.

Michigan: Charles J. Kehoe and Nehemiah Mead, 1974 Subgrant Final Evaluation Report on the Berrien County Juvenile Center. Prepared for the State of Michigan, Office of Criminal Justice Programs; and John Howard Association, Michigan Juvenile Justice Services: A Study and Recommendations (Chicago: John Howard Association, 1974).

Minnesota: A Survey of Juvenile Detention in St. Louis County and Northern Minnesota (Washington: U.S. Department of Health, Education, and Welfare, Welfare Administration, Children's Bureau, June 1967); A Comprehensive Plan for Regional Jailing and Juvenile Detention in Minnesota: Final Report (Minnesota Department of Corrections, 1971) The Minnesota Juvenile Court Rules Symposium, "Detention Procedures in the Juvenile Court," Minnesota Law Review 54 (December 1969):409-432.

Montana: Detention and Shelter Care: Review Draft (Helena: Officer of the Governor, Budget and Program Planning, July 1976).

New Jersey: Juvenile Justice in New Jersey (Princeton: Center for Analysis of Public Issues, 1973).

New York: Children in Jail: The Uses and Abuses of Juvenile Detention in New York City (New York: Office of Children's Services, 1975); Ferster, Snethen, and Courtless, "Juvenile Detention," pp. 161-196; and R. Hale Andrews, Jr. and Andrew H. Cohn, "Ungovernability: The Unjustifiable Jurisdiction," Yale Law Journal 83 (1974):1383-1409.

Ohio: John Howard Association, Services for Unruly Youths: Franklin County, Ohio (Chicago: John Howard Association, August 1975); Ferster, Snethen, and Courtless, "Juvenile Detention," pp. 161-196; and James J. Granfield, William J. Cooper, Richard S. Milligan, and Doretta Lou Petree, Ohio Juvenile Detention Survey (Columbus: Ohio State University, School of Public Administration, Program for the Study of Crime and Delinquency, 1975).

Oregon: Ferster, Snethen, and Courtless, "Juvenile Detention," pp. 161-196.

Pennsylvania: Feasibility Study of Regional Detention in Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry and York Counties, Pennsylvania (National Council on Crime and Delinquency, 1971).

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[9] See Rosemary C. Sarri, *Under Lock and Key: Juveniles in Jail and Detention* (Ann Arbor: National Assessment of Juvenile Corrections, University of Michigan, 1974).

[10] In addition to those studies already cited, see Nicholas A. Reuterman, *A National Survey of Juvenile Detention Facilities* (Edwardsville, Ill.: Southern Illinois University, 1970); Margaret K. Rosenheim, "Detention Facilities and Temporary Shelters," *Child Caring: Social Policy and the Institution*, Donnell M. Pappenfort, Dee Morgan Kilpatrick, and Robert W. Roberts, eds., (Chicago: Aldine Publishing Co., 1973), pp. 253-99; Elyce Zenoff Ferster and Thomas F. Courtless, "The Beginning of Juvenile Justice, Police Practices, and the Juvenile Offender," *Vanderbilt Law Review* 22 (1969):567-608, and "The Intake Process in the Affluent County Juvenile Court," *Hastings Law Journal* 22 (May 1971):1127-1153; Sarri, "The Detention of Youth," pp. 2-18; Mark M. Levin and Rosemary C. Sarri, *Juvenile Delinquency: A Comparative Analysis of Legal Codes in the United States* (Ann Arbor, Michigan: National Assessment of Juvenile Corrections, 1974).

[11] Reuterman, *National Survey*, p. 2.

[12] Ibid., pp. 2-3.

[13] Kehoe and Mead, *Subgrant Final Evaluation*, pp. IV and 7.

[14] Robert B. Coates, Alden D. Miller, and Lloyd E. Ohlin, "Juvenile Detention and Its Consequences."

[15] Sarri, "The Detention of Youth," p. 5.

[16] Detention intake staff will tell the interested observer that most of the youths are scared to death at their first admission. For quite detailed descriptive accounts, see Robert S. Fetrow and Anne Fetrow, "How a Pretrial Facility Can Destroy the Self-esteem of the Juvenile," *International Journal of Offender Therapy and Comparative Criminology* 18 (1974):227-32; and Susan M. Fisher, M.D., "Life in a Children's Detention Center: Strategies for Survival," *American Journal of Orthopsychiatry* 42 (1972):368-74.

[17] Gerald G. O'Connor, "The Impact of Initial Detention Upon Male Delinquents," *Social Problems* 18 (1970):194-99.

[18] Ibid., p. 199.

[19] Ibid., p. 197.

[20] Leonard E. Gibbs, "The Effects of Juvenile Legal Procedures on Juvenile Offenders' Self Attitudes," Journal of Research in Crime and Delinquency 11 (January 1974):51-55.

[21] Anne Rankin Mahoney, "The Effect of Labeling upon Youths in the Juvenile Justice System: A Review of the Evidence," Law and Society Review 8 (Summer 1974):583-614.

[22] Ibid., pp. 608-09.

[23] Coates, et al., "Juvenile Detention and its Consequences," p. 23.

[24] Ibid., p. 12.

[25] Ibid., p. 21.

[26] Ibid., pp. 6-8.

[27] Ibid., pp. 9-10 and Table 2.

Chapter IV

PROGRAMS USED AS ALTERNATIVES TO SECURE DETENTION

Programs used as alternatives to secure detention for youths awaiting court action--formally so conceived and programmatically distinct from diversion--began to be established during this decade.[1] Very little has been published about them. Most evaluations of such programs are not readily available: typically they are in-house manuscripts obtained by request from the jurisdictions in which the programs are located.

During January and February, 1976, members of our project staff made site visits to 14 jurisdictions that were providing such programs. The programs visited were the following:

Discovery House, Inc., Anaconda, Mont.
Community Detention, Baltimore, Md.
Holmes-Hargadine Attention Home, Boulder, Colo.
Attention Home, Helena, Mont.
Transient Youth Center, Jacksonville, Fla.
Proctor Program, New Bedford, Mass.
Outreach Detention Program, Newport News, Va.
Non-Secure Detention Program, Panama City, Fla.
Amicus House, Pittsburgh, Pa.
Home Detention, St. Joseph/Benton Harbor, Mich.
Home Detention Program, St. Louis, Mo.
Community Release Program, San Jose, Calif.
Center for the Study of Institutional Alternatives,
  Springfield, Mass.
Home Detention Program, Washington, D.C.

They had been selected from a list of nearly 200 such programs assembled with the help of the Law Enforcement Assistance Administration and of State Planning Agencies for criminal and juvenile justice in the 50 United States.

This chapter begins with a description of the procedures followed to identify and select the programs visited during the course of the study and a brief description of the methodology employed on each visit. The remainder of the chapter is organized around a description and discussion of the programs as we have classified them.

Identification and Selection of Programs

Identification of programs for study required that we be able to distinguish programs designed as alternatives to secure detention from diversion programs. Some programs established to divert juveniles from court jurisdiction or to prevent further penetration of the juvenile justice process have had the secondary effect of reducing the numbers detained securely. Initially we believed that the differentiating characteristics of programs operating at the point of intake to a juvenile court would be whether the court accepted or refused jurisdiction. Juveniles in diversion programs would have been removed from the possibility that a court would claim jurisdiction. Court jurisdiction over those in programs that were alternatives to secure detention would be accepted and retained because the youths were to be adjudicated. This distinction did not apply universally. Courts refuse or drop jurisdiction over many youths referred to diversion programs, but for other youths this is not true. Certain diversion programs have been organized so that jurisdiction is retained or the possibility of assuming it is kept open until a youth has successfully completed the required period of time in the program. Those youths considered to have "failed" are taken into court. We also found programs that had been designed as true alternatives to secure detention but which functioned as diversion programs, at least for some youths. Courts quashed the petitions and relinquished jurisdiction over the juveniles while they were in the program. Still, by and large the distinction held. Programs were classified as preadjudicatory alternatives to secure detention if their members--mainly--returned to court for adjudication.

A second decision that had to be made was whether to include organized efforts to control intake as an alternative to detention. We believed, and still do, that a controlled intake that sends most youths home to await their hearings is a precondition to successful use of alternatives to secure detention. We did consider such efforts initially but decided not to select for visiting any site that used only intake control as the way of minimizing use of secure detention. They were not "programs" for juveniles.

A final definitional problem was created by court practice in certain jurisdictions in which foster homes are available and occasionally used for youths whom a judge would rather not detain securely while waiting for the court probation department to work out a satisfactory plan. Clearly, such foster homes are alternatives to secure detention. We, nevertheless, chose not to visit a jurisdiction using only this type of alternative resource where usage was relatively small in scope and not formally designated as a program per se.

Thus, we initiated a search for formally designated programs used as alternatives to secure detention for youths awaiting adjudication and from which most, if not all, youths returned to court for an adjudicatory hearing.

Site selections were made from a list of almost 200 programs identified with the help of the Law Enforcement Assistance Administration and through telephone interviews with representatives of the 50 State Planning Agencies. We tried to select programs with unique formats as well as others more widely in use. We also tried to achieve diversity of region and size-of-place, excluding only programs operating in the largest cities of the United States. Most of all, we tried to select viable programs from which we could learn something worth reporting to officials and agency personnel who may be considering the introduction of alternative programs in their jurisdictions. In no sense, then, were sites selected in a way to produce a representative sample of the programs that were operating in the United States in 1976.

Methodology

Site visits were conducted over a 2- or 3-day period by at least two members of the project staff. Prior to the actual visits a set of five interview schedules had been developed. One was an overview schedule which on most visits was addressed to the director of court services or chief probation officer for the jurisdiction. It was designed to elicit descriptive information on the jurisdiction's juvenile justice process from the point of police-juvenile contact through to disposition. A second interview schedule was developed for use at detention intake. It was designed to be addressed to whoever made the initial decision to detain or not. It focused on when and how this initial decision was made and sought to identify what criteria guided decisions to use the various options available. A third schedule was developed to be addressed to the superintendent of the secure detention facility. It sought to elicit mainly descriptive information on the nature of the secure detention program, the numbers and characteristics of youths admitted, lengths of stay, and the effects of alternative programs on secure detention. A fourth schedule was developed for use with the director of a residential alternative program. In many ways it was similar to the secure detention schedule in the types of information it sought to elicit. The fifth schedule was developed for use with the director of a nonresidential alternative program. It was similar in format to the residential alternative schedule and in turn to the one used for secure detention.

Statistical forms and instructions were prepared for use in obtaining case information on youths from three groups in each jurisdiction: those awaiting court in secure detention, those awaiting court in an alternative program, and those awaiting court at home and in no program. At every site, project staff attempted to assemble statistical information--especially that pertaining to termination from program according to selected youth characteristics. Such data were not often already assembled, and where possible we extracted them from case records selected on a random basis. However, not every site maintained a record system so organized that the information could be readily obtained.

Classification of Alternative Programs

We have classified the programs for descriptive purposes, by auspices and living arrangements as in Table 4. The reader will note that two of the cells in the table are blank. This does not mean that there are no public residential foster homes or private nonresidential programs in use in the United States as alternatives, only that we did not visit any.

TABLE 4

Classification of Alternative Programs

Living Arrangement	Auspices	
	Public	Private
Nonresidential	7	-
Residential Group Home	1	4
Residential Foster Home	-	2

One limitation of the classification as given is created by the fact that 7 of the 14 jurisdictions visited had more than one type of alternative program operating within them at the time of our visit. And in at least two jurisdictions both a residential and a nonresidential alternative were administered under the same auspices as part of an integrated system of detention services that also included a secure facility. It is important to bear in mind that the classification is a classification of programs, not jurisdictions, even though our discussion to follow often describes the jurisdictions as well as its program in some detail.

A second problem is created by the fact that some public, nonresidential programs visited had as a part of the program some foster homes or a group home used for youths who did not need to be placed in secure detention but could not return home to participate in the nonresidential alternative (home detention) program. For simplicity, we classified all of these programs by what they were primarily--nonresidential alternatives operating under public auspices.

The third problem arises from the single case in the public, residential group home category. This is a program for runaways that in many respects is similar to the four programs in the private, residential group home program category. But it operates under public auspices. Since we have found it necessary for reasons explained later to discuss each of the group home programs separately anyway, we have left this program in that category. Its location in Table 4 is merely a function of our choice of classificatory variables. In the discussion below it is described in relation to the other programs it most closely resembles in fact.

The discussion that follows first takes up public, nonresidential (home detention) programs as a group. A sequential discussion of the residential group home programs follows. Finally, the two residential foster home programs operating under private auspices are discussed--again separately--since they are different from one another in important ways.

Public, Nonresidential (Home Detention) Programs

The public, nonresidential programs reviewed here had taken as their model the Home Detention Program as it had been first designed for St. Louis, Missouri.[2] All are similar in format and can be thought of as a family of programs. The seven visited were located in Baltimore, Md.; Newport News, Va.; Panama City, Fla.; St. Joseph/Benton Harbor, Mich.; St. Louis, Mo.; San Jose, Calif.; and Washington, D.C.

These programs were administered by the juvenile court probation departments. For the most part their staffs were made up of paraprofessional personnel variously referred to as outreach workers, community youth leaders, or community release counselors. Usually a youth worker supervised five youths at any one time. In all programs youth workers were expected to keep the juveniles assigned to them trouble-free and available to court. They achieved the essential surveillance through a minimum of one in-person contact with each youth per day and through daily telephone or personal contacts with the youth's school teachers, employers, and parents. Youth workers worked out of their automobiles and homes rather than offices. Paperwork was kept to the minimum travel vouchers and daily handwritten logs. In some programs the youth workers collaborated so that one could take over responsibility for the other when necessary.

All programs authorized the workers to send a youth directly to secure detention when he or she did not fulfill program requirements--daily contact with worker, school or job attendance, etc. Typically, youths selected for the programs would have the rules of program participation explained to them in their parent's presence. These rules generally included attending school; observance of a specified curfew; notification of parents or worker as to whereabouts at all times when not at home, school, or job; no use of drugs; and avoidance of companions or places that might lead to trouble. Most of the programs allowed for the setting of additional rules arising out of discussion between the youth, the parents, and the worker. Frequently, all of the rules would be written into a contract which all three parties would sign.

One key operating assumption of all of these programs is that the kind of supervision just described would generally keep their juveniles trouble-free and available to the court. Six of the seven programs rest on a second operating assumption as well. This is that the youths and their families need counseling or concrete services or both and that the worker can increase the probability that a juvenile will be successful in the program by making available the services of the court. The degree of emphasis on counseling and services varied. In some programs workers provide or refer to services only when requested. In others, the workers always try to achieve a type of "big brother" counseling relationship, sometimes combined with advocacy for the youths at school and counseling or referral of the youths' parents. In three programs workers organize weekly recreational or cultural activities for all juveniles on their caseloads.

Four of the programs in this category were said to have been started to relieve the overcrowding of a secure detention facility. Two began with explicit concern about the possibly harmful effects of secure detention. One began as an experiment to test the value of the program as an alternative to secure detention for status offenders; however, intake was not restricted to status offenders.

Two of the seven programs had been designed for alleged delinquents only. The others accepted both alleged delinquents and status offenders. No program in this category was used exclusively for the status offender. All but two were relatively small in absolute number of juveniles served--between 200 and 300 per year. Two others had accepted just over 1,000 youths each during the previous fiscal year.

In evaluating the public nonresidential programs--all of them variants of the home detention model--we will first describe the types of alleged offenders for whom they are used. Then we will look at their rates of failure and success and the new offenses allegedly committed by program participants that, together with running away, are the main elements of conventional measures of program failure or success. In so doing we will point to the return of youths to secure detention after they have participated in the alternative programs as a factor complicating interpretations of such rates. The kinds of alleged new offenses are described next, followed by information on points of access to alternative programs, lengths of stay in them, and their dollar costs compared with the costs of secure detention.

Youths Served -- We begin with tables that show distributions of youths by alleged offenses that are rather typical of programs that accept alleged delinquents and status offenders or alleged delinquents only (Table 5).

The distributions presented here are typical of others we observed, in two respects. Status offenders, when they are admitted at all, tend to be in the minority. Of all programs visited in this category only one had status offenders in the majority. Of the nonstatus offenses, burglary is the delinquency alleged most often in these programs.

In general, the alleged delinquencies of program participants do not differ markedly from those encountered on the rosters of secure detention, with the exceptions of homicide, aggravated assault, and rape, which are few in number and rarely released. The delinquency charges that predominate in numbers are in the middle range of seriousness.

Officials interviewed cited age, length of prior record, stability of home environment, and attitude of youth (and occasionally

TABLE 5

Number and Percentage of Youths by Alleged Offense in Two Public Non-Residential (Home Detention) Programs

Alleged Offense	Program 1[a] (1974-75)	Program 2[b] (1974-75)
Arson	- (0)	0.8% (3)
Assault	2.9% (7)	16.4% (62)
Auto Theft	7.3% (18)	12.1% (46)
Robbery	- (0)	14.8% (56)
Concealed Weapon	0.4% (1)	9.2% (35)
Larceny	- (0)	9.0% (34)
Burglary	26.9% (66)	22.7% (86)
Possession of Stolen Property	6.9% (17)	2.1% (8)
Vandalism	- (0)	1.8% (7)
Auto Tampering	0.8% (2)	- (0)
Petty Theft	0.8% (2)	3.4% (13)
Disorderly Conduct	- (0)	1.1% (4)
Trespassing	- (0)	0.5% (2)
Violation of Drug Control Act	4.9% (12)	2.9% (11)
Violation of Court Order/ Administrative Hold	3.6% (9)	1.8% (7)
Sex Offense	- (0)	0.8% (3)
Incorrigible	33.1% (81)	- (0)
Possession of Alcohol	5.3% (13)	- (0)
Other	6.9% (17)	0.6% (2)
Totals	99.8%(245)	100.0%(379)

[a] Accepting both alleged delinquents and status offenders.

[b] Accepting alleged delinquents only.

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parents as well) as factors that singly or in combination might render a juvenile ineligible for the alternative program--in addition to severity of offense.

Rates of Success or Failure -- All of these programs in this group themselves classify youths as program failures when they either run away and so do not appear for adjudication or when they are arrested for a new offense while participating in the programs. We have obtained similar data on youths placed in six of the seven programs visited. This is presented in Table 6. The tabular presentation risks implying a comparison between programs that is not truly justified. Variables of importance, such as selectivity in referral to court, social characteristics of juveniles and their families, type of offense, and length of prior records have not been controlled. The tabular presentation, however, does have the advantage of facilitating a discussion of success and failure for the programs in this category and it is for this purpose that we present it here.

If one combines what each of the programs views as program failures, it may be seen in Table 6, column (3), that the range of such failures is from 2.4 percent to 12.8 percent of all terminated juveniles. The combined failure rate for four falls between 2.4 percent and 7.5 percent, while the rate for one other is 10.1, a percentage that may not include runaways.

Another view of the data at hand may be seen in a comparison of columns (1) and (2), where for five programs statistics are given separately for new offenses and running away. The data are not very enlightening, except to note that alleged new offenses exceeded running away in every instance except one (program B). We have no information that allows for explanation of why no youths ran away from programs C and D.

Reciprocally, column (6) presents the percentages of juveniles who had been kept trouble-free and available to the courts--that is, had not been accused of committing a new offense and had not fled jurisdiction. The smallest percentage was 87.2 for Program B. The largest was 95.7 at Program E. In the remaining programs, the percentages were 94.8, 94.5, 92.5, and 89.8. It is tempting to declare these "percentages of success." But are they?

A complication is the use of secure detention for certain program participants. We have already reported that all of these programs authorized their youth workers, for cause, to return juveniles to secure detention. In all programs they did so, as may be seen in column (4) of Table 6. Further, the percentages so returned in every instance exceeded the percentage of juveniles in the same program who had committed a new offense or who had run away while being supervised.

Is use of secure detention to be considered a program failure in this context? The youths for whom it was used did appear in

TABLE 6

Percentages of Youths, By Type of Termination
From Six Home Detention Programs

Program	Percent						
	(1) New Offenses	(2) Running Away	(3) Runaways Plus New Offenses	(4) Returned to Secure Detention	(5) Completed Without Incident	(6) Trouble-Free and Available to Court	(7) Total[a] (3) and (6)
A: N=200 Delinquents Only.	4.5	3.0	7.5	12.0	80.5	92.5	100.0
B: N=274 Delinquents and Status Offenders.	4.4	8.4	12.8	16.4	70.8	87.2	100.0
C: N=246 Delinquents and Status Offenders.	2.4	0.0	2.4	8.1	89.4	94.5	99.9
D: N=252 Delinquents and Status Offenders.	5.2	0.0	5.2	21.0	73.8	94.8	100.0
E: N=206 Delinquents and Status Offenders.	2.4	1.9	4.3	24.8	70.9	95.7	100.0
F: N=276 Delinquents Only.	...[b]	...[b]	10.1[b]	13.3	76.4	89.8	99.9

[a] Totals may not add to 100.0 because of rounding.

[b] Information obtained from interview and may not include runaways.

court. If they are to be considered something less than successful in the programs then the statistics in column (5)--percentages of youths completing the programs without incident--should be considered. The smallest was 70.8 percent; the largest was 89.4 percent. Still, it seems a bit unfair to consider use of a planned preventive procedure as a program weakness: the youths did get to court.

Kinds of alleged new offenses: All failures are not the same, as has already been suggested by the distinction made between failure due to a youth's running away and failure due to commission of a new offense while in the program. Obviously, not all new offense failures are the same either. An alleged new offense of assault with a deadly weapon is, at least at face value, a more serious matter than an alleged new offense of possession of a small amount of marihuana. Unfortunately, the information needed to compare program failures by original offense alleged with new offense alleged is not available for all programs in this group. However, we did get this information for two programs. We merely assert that the data do not show a tendency for new offenses to be more serious than the prior ones, insofar as one can judge from the charge alone. The information is presented in Tables 7 and 8 mainly to illustrate a type of information that ought to be assembled and reviewed routinely.

TABLE 7

Comparison of Original Alleged Offenses and New Alleged Offenses for Nine Youths Who Terminated One Alternative Program

Case Number	Original Offense	New Offense
1	Auto Theft	Unathorized Use of Vehicle
2	Narcotics Violation	Narcotics Violation
3	Larceny	Larceny
4	Breaking and Entering	Breaking and Entering
5	Glue Sniffing and Unruly Conduct	Glue Sniffing
6	Larceny	Purse Snatching
7	Vandalism and Carrying Deadly Weapon	Breaking and Entering
8	Assault and Robbery	Robbery
9	Auto Theft	Robbery

TABLE 8

Comparison of Original Alleged Offenses and New Alleged Offenses for 22 Youths Terminated By One Alternative Program

Case Number	Age	Admitting Offense	New Offense
1	17	Possess Marijuana	Possess Marijuana
2	14	Larceny	Grand Larceny
3	12	Larceny	Breaking & Entering
4	16	Stolen Vehicle	Stolen Vehicle
5	17	Violation of Probation	Possess Marijuana
6	16	Larceny	Breaking & Entering
7	17	Burglary & Larceny	Stolen Vehicle
8	17	Burglary	Stolen Vehicle
9	15	Burglary	Burglary
10	16	Burglary	Violation of Probation
11	13	Runaway	Absconded
12	15	Violation of Curfew	Absconded
13	15	Runaway	Absconded
14	14	Runaway	Absconded
15	14	Drugs	Absconded
16	17	Drugs	Absconded
17	16	Violation of Probation	Absconded
18	17	Administrative Hold	Absconded
19	16	Burglary	Absconded
20	16	Burglary	Absconded
21	17	Trespassing	Absconded
22	16	Administrative Hold	Absconded

Reasons for revocation of program status: Column (4) of Table 6 lists the proportions of youths for whom program status was revoked and who were sent to secure detention prior to adjudication. For the six alternative programs for which we have data, the percentages ranged from 8.1 to 24.8. All we know about why juveniles were revoked is based on site visit interviews. Some were revoked because they failed to abide by conditions set for participation in the program. Others were revoked because their homes were considered "unworkable"--inimical to stabilizing behavior while the youth awaited court hearing. In other cases the probation department obtained new information relating to the alleged offense and ordered the youth detained.

It is not known, of course, whether in fact these youths would have become program failures had they not been revoked. Prediction of future behavior from the perspective of an alternative program is a matter of judgment rather than science. Common sense undoubtedly would suggest revocation of some youths to protect them or the community. But it also seems likely that some cases may--like the initial detention decisions discussed in Chapter II--reflect prevailing judicial and administrative philosophy rather than accurate predictions that they would otherwise run away or commit new offenses while awaiting adjudication.

There was agreement among program officials that certain status offenders--in particular, those who have run away repeatedly and those who have been presented to court as incorrigible (or uncontrollable) by parents or departments of child welfare--are difficult to deal with in this type of program. Such youths may have to be revoked unless special arrangements are made for them. The misbehaviors of many status offenders are considered byproducts of a breakdown in general family stability and specifically in parental functioning. An already fractured home situation is, after all, a difficult situation upon which to predicate "home detention." As a result, four of the seven jurisdictions in this category had added a substitute care component to their programs. In one jurisdiction the alternative program included a budget for foster home contracts. Foster parents were paid $7 per child per day when a youth was in the home and a "retainer fee" of $2 per bed per day when no youth was placed in the home. Another jurisdiction had a contract with a "youth in crisis" group home to take, mostly, out-of-state runaways and planned to add a nonsecure shelter for local status offenders with unworkable home environments. In the two other jurisdictions a parallel system of group homes was available to supplement the home detention program.

Access to the Alternative Program--Jurisdictions differ in when in the court process officials assign juveniles to alternative programs. Three jurisdictions assigned youths to programs either at initial intake or at a later detention hearing. Thus, at least some of the program participants avoided the experience of secure detention. In the other four jurisdictions the assignments were made either at or subsequent to the detention hearing. All youths in those alternative programs had been detained initially.

A practical question raised by these statements and observations is does the point of access to the alternative program matter? Some officials we interviewed thought so; others did not. Our position, based on what little evidence we have, is that it does matter. Access to an alternative program should be available at the point of initial intake when the options of refusing to accept the referral, release on the recognizance of a parent or guardian, and secure detention are also available. It should not be necessary for a youth to be detained securely initially before placement in an alternative program. On the other hand, officials in two jurisdictions told us that some youths placed in the alternative program would not have been securely detained had there been no alternative program; they simply would have been released to their parents to await a court hearing. Misuse of an alternative program in this way may be related to access at the point of initial intake.

Average Length of Stay in the Alternative Programs -- In six of the seven jurisdictions under discussion the site-visit team was able to draw small samples of youths who awaited adjudication at home on their parent's recognizance, youths who awaited adjudication at home in the alternative program, and youths who were held in secure detention prior to adjudication and disposition. On the average, youths held in secure detention were adjudicated and received dispositions more quickly than did youths in the alternative program and youths who were waiting at home without being in a program. In some jurisdictions the time variation between the three groups was quite extreme. We are not certain why this was so in all cases. In some instances it may have been due to a more relaxed attitude on the court's part toward youths waiting at home with their parents, statutory requirements governing timely processing of youths securely detained, or to a differential use of legal counsel between groups resulting in more frequent continuances for youths in one group compared with the others.

Youths in alternative programs can remain in them for periods of time that vary considerably, as may be seen in Table 9. Two of the programs (A and E) have reasonably similar average lengths of stay (19.7 and 17.7 days). Typically, these youths had spent from 1 to 3 days in secure detention prior to placement in the alternative programs. Youths in program C spent an average of almost 8 days (up to 72 hours judicial time) in secure detention before placement in the alternative program. Thus, the total average length of time between referral and court disposition for Program C adds to just over 18 days.

TABLE 9

Average Lengths of Stay of Youths in Six Public, Nonresidential Programs

Program	Average Length of Stay in Days
A	19.7
B	13.5
C	10.4
D	39.6
E	17.7
F	90.0

The average length of stay of 39.6 days shown for Program D is somewhat misleading. The figure is based upon the program's first year of operation; now, we were told, it is much closer in average length of stay to the other programs. We included it here, however, because the figure reflects a factor influencing average length of stay for youths in alternative programs: a recurring tendency to use alternative programs as preadjudicatory testing periods. Officials interviewed at three sites pointed to such testing as a misuse of alternative programs. The problem as they described it was the following. Judges and other court officials, after an initial period of success with the program, began to see it as an opportunity to find out whether a youth could be deterred from law-violative behavior while under supervision. If the youth behaved well while in the alternative program, probation was recommended after adjudication. If he did not, commitment to an institution was often recommended.

Program F may be the extreme example of what can happen if an alternative program is used for "testing" alleged offenders. It is not possible to sort out to what extent the prolonged stay of 90 days, on the average, is due to "testing" or administrative problems (e.g., court backlogs or unavailability of dispositional alternatives). Whatever the causes, such extended stays in a pretrial program are a misuse of the power of the court. At the time of our visit to Program F there was no evidence that the court was acting to shorten the stays.

A different form of misuse of alternative programs having similar consequences was described in two jurisdictions. There, judges and other court officials were using the alternative program to extend the services of the court through the new program. The provision of services, we were told, was the reason for extended lengths of stay, even though for many youths formal court jurisdiction had not been established. Other programs, as well, had put behind them a period when an emphasis on counseling, referral, and direct provision of concrete services had overshadowed their interim surveillance function.

Program Costs -- Costs of five of the seven public nonresidential programs are in Table 10, together with the costs of secure detention in the same jurisdictions.

TABLE 10

Costs per Youth per Day for Home Detention Programs and Secure Detention in Five Jurisdictions

Jurisdiction	Home Detention Program	Secure Detention
A[a]	$ 6.03	$36.25
B[a]	$11.42	$29.60
C[a]	$24.22[c]	$35.69
D[b]	$ 4.85	$17.54
E	$10.34	$27.00

[a] Expressed in 1974 or 1975 dollars.
[b] Expressed in 1972 dollars.
[c] Includes costs of a contract for program evaluation (about $3 per youth per day).

All of the programs are administered by probation departments and supported by project grants from either State or Federal sources, or both. The usual computation is to divide the amount of the grant by the number of days of child care provided, thus producing a cost per youth per day. Sometimes a portion of the probation department's administrative costs is allocated to a total cost; sometimes it is not.

Excluding Program C, the costs per youth per day for the programs in Table 10 ranged from $4.85 (in 1972 dollars) to $11.42. The variations (excluding geographical differences in the costs of goods, services, and personnel) may be due in part to the actual capacities at which the programs operated. Unlike many secure detention facilities, most of the alternative programs we visited had never operated at maximum capacity. Actual operating capacities for these programs generally fell between 40 and 60 percent of maximum, and costs per youth per day varied with this fluctuation. We have no other information that allows for explanation of the comparatively higher cost per youth per day reported at program C.

Concluding Remarks -- Home Detention programs appear to work well for many youths who would ordinarily be detained securely. In relative terms they are inexpensive. But there is no inherent magic in a home detention program. The character of these programs and to some extent their outcomes are easily influenced by judicial philosophy. One we visited had developed a high degree of commitment to youth advocacy, viewed as necessary for youths "at risk" in the juvenile justice system. Another contrasted markedly with its almost mechanical quality of operation: decisions regarding eligibility, selection, and assignment to the program were made almost automatically; and supervision was carried out in the manner prescribed by written rules and procedures. Whether such differences are considered "good" or "bad" depends on one's point of view.

It seems clear that, regardless of prevailing philosophy, the success of these programs is enhanced by consensus regarding the program's purpose among the presiding judge, the director of court services (or chief probation officer), the superintendent of the secure detention center, and the director or supervisor of the alternative program. When a consensus is present a program prospers and, we think, program failures remain low. When consensus is lacking, divergent views can lead to assignment of inappropriate youths to the program, use of the program for secondary (and perhaps questionable) purposes, excessive lengths of stay, and a higher program failure rate.

Residential Group Home Programs

We visited five residential group home programs. Four were sponsored by private organizations and the other was operated by a public agency. Two of the five were established as alternatives to the use of secure detention for runaway youths exclusively. They were located in Pittsburgh, Pa. and Jacksonville, Fla. The remaining three were located in Boulder, Colo., and Helena and Anaconda, Mont. These latter did not have an exclusive focus on runaway youths but did have in common the fact that they all were called Attention Homes. Because the focus of the two programs for runaway youths and the Attention Home concept are of greater interest than whether the programs operate under public or private auspices, the programs will be described here as Programs for Runaways and Attention Homes, hereinafter ignoring the distinction as to auspices.

Programs for Runaways

Runaway youths are a subcategory of status offenders considered very troublesome to deal with. We selected two programs for site visits. One program mainly handled juveniles running away locally. The other was established to return out-of-state runaways to their homes.

Amicus House: Pittsburgh, Pa. -- Amicus House in Pittsburgh has been in operation since 1970. During 1975 it began to accept referrals from the Allegheny County Juvenile Court. (Previously, youths had walked in or had been referred from a variety of sources not including the court.) From the beginning the program provided a residence for runaway youths, using individual counseling, group treatment, and family casework in an attempt to reconcile youths with their parents. The target population has always been runaways from the local area, and it is these youths who are now sent to Amicus House following detention hearings in lieu of remaining in secure detention.

The program's operating assumptions are that the runaway youths referred are experiencing fairly serious emotional or family problems. Intensive treatment interventions of a problem-solving nature are required for the youth and the parents if the family situation is to be stabilized. The agency does not try to provide long term treatment. Its goal is to make a successful referral if such help is needed. The staff includes ten counselors and two program coordinators who also supervise the counselors.

Youths are restricted to the house without telephone privileges for 48 hours after arrival. They are told they are there to think: to identify and begin working on whatever problems led to running away. The juveniles' personal participation in the process is what is emphasized, the counselors being available to help them. If after 48 hours the youth is working to define the problem, a counselor may contact the parents and set an evening appointment for a family session. These may last 2 1/2 hours and are repeated regularly while the youth is in the program. Also, daily group meetings of all youths in residence use guided group interaction techniques to encourage and support problem-solving efforts. Programing that might distract juveniles from their problems is avoided.

If, as sometimes happens, a youth's parents refuse to cooperate, Amicus House petitions the court for custody of the youth and authorization to provide counseling. The petitions almost always are granted. Most parents then decide to cooperate, but if they do not Amicus House approaches the court to petition that the youths be declared "deprived" and thus eligible for foster placement.

In 1975 approximately 150 youths were admitted to the Center; almost three-fourths of them were girls. For youths referred from court, the average length of stay is 2 or 3 weeks, varying with how rapidly the court docket is moving. Most of the youths terminate from the program by returning home; program officials reported that 7 percent of the youths admitted since July 1975 ran away from the program, but the statistics were not specific to court referrals only. On occasion disruptive youths are asked to leave--but this is rare. The staff's principal response to disruptive behavior is to encourage ventilation of feelings.

The average cost of this program for one youth is $85 per day. The cost of secure detention in Pittsburgh is $35 per youth per day.

The Amicus House practice of bringing petitions to court on behalf of youths whose parents are reluctant or unwilling to participate in the program is an important one to note. Amicus House uses for its program the leverage that parents often apply to juvenile courts. Parental misuse of the court's authority is a problem in many jurisdictions, as explained in Chapter I. It is useful to see how the Allegheny County Juvenile Court and Amicus House have met the problem.

The Transient Youth Center: Jacksonville, Fla. -- This program is operated by the Child Services Division of Jacksonville's Human Resources Department. The Transient Youth Center was planned and established at the initiative of a social worker who had been employed at Jacksonville's secure detention facility, to which many out-of-state runaway youths were being admitted. With a Law Enforcement Assistance Administration grant, the program began in a rented house in July 1974. A director, two counselors, live-in houseparents, relief houseparents, a secretary, and a housekeeper-cook were hired as staff. The center has a capacity for 12 youths (both boys and girls) and accepted 560 youths in its first 10 months of operation.

Local law enforcement agencies and court intake officials agreed to bring runaways directly from the police station or court intake to the center, thus avoiding secure detention altogether. Initially the majority of them were from other states (76.1 percent) with nonlocal Floridians (15.5 percent) and local, e.g., Jacksonville, youths (8.4 percent) making up the remainder. Over time the proportion of local youths has increased markedly and nonlocal Floridians, slightly. The percentage of out-of-state youths has dropped to about 60.[3]

The principal objective of the program is to return the youths to their families. The operating assumption is that provision of food, shelter, and positive human contact of a crisis intervention kind will help youths decide to contact their parents and return home. To carry out this program, counselors are available 24 hours a day. A youth arriving at the Center is fed, assigned a bed, and given an opportunity to talk with a counselor. Daily staffings assess the youth's willingness to work out the details of contacting his parents and returning home. For most out-of-state youths this process takes 1 to 3 days. The Center's close working relationship with Traveler's Aid appears to be a major factor in expediting returns.

The increasing numbers of local runaways and nonlocal Florida juveniles have presented somewhat different needs and problems. They need concrete services and an opportunity to talk, but often they present serious personal and family problems as well. The staff attempts to engage such youths and their families with local social agencies for longer-term service. On the average, Florida youths stay at the Transient Youth Center a few days longer than do those from out-of-state.

Differences between nonlocal and local youths may be seen in termination statistics for a sample of 122 juveniles who passed through the Center during the first ten months of its operation

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(Table 11). For nonlocal clients only 83.8 percent either returned to the homes of their parents or other relatives or established an independent living arrangement. Only 29.4 percent of local clients returned to parent's or other relatives' homes; none went to independent living. Instead, they returned to foster homes or other substitute living arrangements or to the care of other social service agencies.

For jurisdictions considering what to do about runaways there is much to be learned from the Transient Youth Center program. One of the most striking facts about the program is that very few of the runaways admitted to the Center run from it--4.1 percent of the 122 clients (see Table 11). According to interviews only a few youths have had to be asked to leave or returned to court intake. The program had cost $18 per youth per day during the prior fiscal year, the same figure quoted for secure detention in the jurisdiction.

Attention Homes

The Attention Home concept originated in Boulder, Colo.

> The term attention as distinct from detention, signifies an environment which accentuates the positive aspects of community interaction with young offenders. The homes are structured enough for necessary control of juveniles, but far less restrictive and less punishing than jail. In fact, the atmosphere is made as homelike as possible--to give youngsters exactly what the term describes--attention.[4]

This quotation reflects the philosophy guiding the operation not only of the home we visited in Boulder but of the Attention Homes visited in Helena and Anaconda, Mont., as well. We had expected to treat the three homes as a family of programs. However, each had adapted itself to unique circumstances in such a way that generalizations tended to obscure important differences. The Attention Home in Boulder is closely attached to court process and functions almost exclusively as an alternative to secure detention. Other Attention Homes have been developed in that jurisdiction to assist with post-dispositional problems.

The Attention Home in Helena is multifunctional. It serves as an alternative to jail for youths at various stages in the court process and functions as a temporary shelter resource for agencies other than the court as well.

The Attention Home in Anaconda, as in Boulder, is tied closely to court process. However, it places a great emphasis on treatment through purchase of services and has taken on an important diversionary function. For these and other reasons the programs have been described separately. We will return to their similarities and differences later in a brief summary.

TABLE 11

Percentage Distribution of Youths in Transient Youth Center, by Type of Client and Termination Status

Termination Status of Clients (N=122)	Percent
Local Clients: (N=17)	
Returned to Parents' Home	23.5
Returned to Foster Home	29.3
Returned to Private Agency	11.8
Returned to Relative's Home	5.9
Madeleine Downing Knight Center	11.8
Division of Youth Services	5.9
Marine Institute	5.9
Shilow House	5.9
Total:	100.0%
Nonlocal Clients: (N=105)	
Returned to Parents' Home	78.1
Returned to Independent Living	0.9
Returned to Relative's Home	4.8
Returned to Private Agency	0.0
Returned to Foster Home	1.9
Absconded	4.8
Other	9.5
Total:	100.0%
Total Sample: (N=122)	
Returned to Parents' Home	70.5
Returned to Independent Living	0.8
Returned to Foster Home	5.7
Returned to Private Agency	1.7
Returned to Relative's Home	4.9
Absconded	4.1
Other	12.3
Total:	100.0%

Source: Tom Long and Dale H. Tumelson, Evaluation Report: Transient Youth Center (Jacksonville, Florida: City of Jacksonville, Office of Criminal Justice Planning, April, 1975), p. 16.

The Holmes-Hargadine Attention Home: Boulder, Colo. -- The Holmes-Hargadine Attention Home, the first of its kind, opened in Boulder in 1966 as an alternative to jail.[5] The intake unit of the Boulder Juvenile Court refers youths to the home. The houseparents make the admission decision, but they seldom reject referrals. The working relationship between the home and the probation department is a close one. Some youths arrive at the home without having been sent first to the Boulder County Juvenile Quarters (a secure facility opened in 1976); most youths are admitted to the home following a detention hearing held within 48 hours of admission to the Juvenile Quarters.

In 1975, approximately 150 youths were admitted to the Attention Home. Two-thirds of them were boys. About three-fourths were alleged delinquents, the rest having been referred for status offenses. Most youths charged with more serious offenses are not referred to the home but, rather, remain in the Juvenile Quarters until their detention hearings after which they are transferred to a regional detention center operated of the Colorado State Division of Youth Services.

The houseparents are the only staff in the home, which is for nine youths at any one time. Each youth has also been assigned a probation officer.

When a youth arrives at the home he is restricted to the house for 3 days. Cooperation earns increasing amounts of free time off the premises. The houseparents try to create as homelike an atmosphere as they can, spending time and talking with each of the youths. The "attention philosophy" is emphasized. Some youths continue to attend school, but most work in a county-sponsored program which pays $2 an hour. In the afternoons, evenings, and on weekends, volunteers (students from a nearby university) organize activities both in the home and elsewhere. The houseparents meet weekly with the juvenile court judge and probation staff to discuss the progress of and plans for each youth in residence.

We were unable to obtain systematically gathered program statistics during our site visit to Boulder. Those interviewed told us that in the last 6 months of 1975 two youths absconded from the program, no new offenses had been committed by juveniles while awaiting adjudication there, and two youths had to be returned to the Juvenile Quarters. Assuming that 75 youths were admitted in the 6-month period (one-half of the total yearly admissions), the rate of those who ran away and those returned to secure detention was 2.6 percent each. The figures combine to produce a success rate of 94.8 or up to 97.4 percent depending upon how one believes returns to secure detention should be interpreted.

The Attention Home cost $13.67 per youth per day. The comparable figure for a youth held in the Juvenile Quarters was $22.83 per day.

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Attention Home: Helena, Mont. -- The Attention Home in Helena drew upon the experience of the Boulder community. It developed in response to the needs of four youth-serving agencies in the city: the Probation Department of the Juvenile Court; the State Department of Institutions, Aftercare Division (responsible for youths discharged from mental hospitals and for youths released on parole from juvenile correctional institutions); the State Department of Social and Rehabilitation Services (welfare); and the Casey Family Foundation (a private social work agency providing specialized foster care homes and an independent living program for youths referred by the three other agencies, as well as by other sources). All of these agencies had identified troubled youths in their caseloads who either were running away from or were unwelcome in their own homes or foster homes. Frequently they ended up in Helena's county jail, as did many other youths.

Representatives from each of the agencies named above, with the support of the presiding district court judge, constituted a nonprofit corporation. The corporation purchased a large and attractive house in a residential section of Helena for the Attention Home. The program was intended to provide an alternative residence for youths who would otherwise be placed in jail awaiting adjudication or disposition, a living situation for youths experiencing severe family disruption, and a stable and homelike place for youths to live while agency caseworkers evaluated their situations and sought appropriate long term placements.

TABLE 12

Youths Placed in Helena Attention Home by Referring Agency

Referral Source	Number of Youths
Probation	7
Aftercare	15
Casey Foundation	4
SRS (welfare)	3
Self-referral	2
Unknown	1
Total:	32

Program statistics for 1975 were not yet available at the time of the site visit. Our own sample of 32 youths admitted to the home during the last 6 months of 1975 showed that less than one-quarter of the youths referred were juveniles awaiting adjudication (Table 12). The Helena Attention Home, then, is not primarily an alternative to use of jail for pretrial holding (by strict definition) but it is the only nonsecure program in the jurisdiction.

The Helena Attention Home has no formal treatment or activity program. Some youths attend school locally; others take part-time jobs while in residence. Officials we interviewed told us that most youths do not run away from the home. Even when this does occur the youths usually return on their own within 24 hours. Only twice in 1975 did a youth have to be transferred from the home to jail.

For most youths the home is a place to wait while other arrangements are being made and those responsible for the program see a viable and permanent living arrangement as their major goal for each youth admitted to the home. This, however, is the responsibility of the referring agencies and not of the home itself. Much like the program in Boulder, the Helena Attention Home seeks to provide a temporary living arrangement that is as homelike as possible.

The program is partly supported by a grant from the Montana State Planning Agency. Each agency referring youths pays $6.75 per day of care toward the total cost of $22 per youth per day. Most residents stay 3 weeks or less.

The Helena Attention Home clearly is an alternative to jail. Nevertheless, police jailed 318 youths during 1975, about one-fourth of them remaining in the jail's juvenile section 3 days or more, sometimes as long as 2 weeks. Since the Attention Home usually operates at less than its residential capacity of eight, local officials have started monitoring use of the jail for youths not scheduled for release within 24 hours.

The Helena Attention Home differs from that in Boulder in that it is used to house youths between placements, those for whom plans for service are being developed, and runaways--in addition to youths awaiting court hearings. Cases of these kinds are encountered in some jails in less densely populated areas (like Helena). An alternative program for any one such category may be too costly, given small numbers, so mixed usage of a single program may be the practical choice.

Discovery House, Inc.: Anaconda, Mont. -- Most referrals to Discovery House are from the court probation department. The program's director, Sister Gilmary Vaughn, meets regularly (daily, if necessary) with the Chief Probation Officer to review cases for detention in jail. Excluded from consideration for Discovery House are youths who either have failed there before due to aggressive behavior or who are charged with serious offenses against persons.

A new resident is oriented to the home and its rules by the houseparents. A little later, Sister Gilmary talks with the youth to identify problems, if any, and what strengths the youth has to draw on. She arranges for educational and psychological testing or psychiatric diagnostic consultation when needed, but only with the youth's consent. She may request a social history from the probation department (or welfare department when it is involved) or a report on academic progress, problems, and needs from a school. When information has been assembled, the staff devises a treatment plan. This program purchases all professional services with contractual moneys. There are no professional personnel on staff.

Sister Gilmary is clearly a significant force in mobilizing the community's resources on behalf of each youth in care, but it is also clear that the mainstays of daily living at Discovery House are the houseparents. As surrogate parents they believe in the importance of observing house rules; they conduct an informal "family meeting" each evening during dinner. Each youth is assigned chores to be carried out (in rotation) with one of the houseparents in order to maximize the time the youths and the adults are together. Each youth is given a small allowance for doing household chores and cooperating with the program.

Two-thirds of the 47 juveniles admitted to Discovery House in 1975 were allegedly status offenders, most of them female runaways (Table 13). Fifty-nine percent of all youths admitted were in residence less than 14 days. The average stay for this subgroup was 3.3 days, perhaps reflecting the resolution of temporary family crises. At the other extreme were youths staying 59 days or more. Their average stay was 88.5 days with a range from 60 to 167 days, because they present complex case situations requiring additional time to resolve. Lengths of stay are shown in Table 14.

TABLE 13

Youths Admitted to Discovery House, Inc., by Type of Offense Charged, 1975[a]

Type of Offense	Number	Percent
Against person	2	4
Against property	11	23
Drugs	1	2
Status	32	68
Other	1	2
Total	47	99

[a] The "offense charged" was defined as most serious offense charged.

TABLE 14

Lengths of Stay (In Days) for Youths Admitted to Discovery House, Inc., 1975

Days	Number	Percent
0-14	26	55
15-28	4	9
29-43	5	10
44-58	4	9
59 or more	8	17
Total	47	100

The termination status of 46 youths who completed their stays at Discovery House during 1975 is presented in Table 15.

TABLE 15

Termination Status for Youths Completing Discovery House Program, 1975

Status	Number	Percent
Returned Home	28	61
Long-term Placement[a]	10	22
Commitment	3	6
Other[b]	5	11
Total	46	100

[a] Group home or foster home placement.

[b] Three entered the Job Corps, one was bound over to adult court and one returned from his home to Discovery House and was still there at the end of the year.

Sixty-one percent of the youths returned home at termination from the program and 22 percent were placed in long term arrangements such as foster parent care or group home care. Only rarely are youths asked to leave Discovery House or return to jail. Runaways generally return on their own, and the Home's policy is to take them back.

The court, because of the treatment services provided by Discovery House, quashes petitions on about three-quarters of the juveniles while they are in the program. Thus, many of the youths referred to the program as an alternative to jail end up diverted from court jurisdiction. This pattern is consistent with the other juvenile justice processes in Montana where informal handling is used widely. It should not, however, distract the reader from the fact that this program accepts a group of youths (female status offenders referred to court for incorigibility, running away, or both) who are difficult problems for many other jurisdictions. Discovery House is able to return a large proportion to their homes without many of them running away and without formal court labeling. The estimated cost per youth per day is $15.

Summary. We have discussed each of the Residential Group Home programs separately because they really cannot be compared in the same way that we compared the seven public nonresidential programs. The homes differed in the purposes for which they had been created, their operating assumptions, their program activities, and their outcomes. With the exception of the Boulder Attention Home program, however, they do have in common target populations made up largely of status offenders, and they are apparently successful with most of them. It should not go unnoticed that this particular category, we were told repeatedly in interviews at all sites, is difficult to manage in both secure detention and in alternative programs: the behavior or the home environments frequently defeat techniques or programs that work reasonably well with many alleged delinquents. We do not know why they have succeeded and can only suggest a few reasons. The programs are residential and so remove status offenders from tension-ridden homes. Simulated homelike environments that provide both structure and personal caring by staff may lower anxiety and its impulsive expression. The noticeably high levels of community support may give the staffs and the youths confidence that the programs can help. All of the above reasons are "intangible," but that does not make them unimportant.

The apparent adaptability of the Attention Home to varying needs in less densely populated areas is worth emphasizing. The format apparently can be adapted to serve different categories of juveniles needing residential care--mixed usage, as we have called it. Smaller jurisdictions may find certain advantages in this.

Private Residential Foster Home Programs

The two private, residential foster home programs have little in common except that both are located geographically in the State of Massachusetts. This may not be a coincidence.

In Massachusetts, the Department of Youth Services (DYS) is the State agency responsible for juvenile corrections. In that State this responsibility includes the operation and provision of pretrial detention facilities and services for juveniles. During the early 1970's both the structure and organization of DYS was altered dramatically under the administration of its Commissioner, Dr. Jerome G. Miller. He closed most of the State's juvenile training schools and encouraged community-based programs to take their places. He organizationally divided DYS into seven semiautonomous admistrative regions and encouraged each region to develop nonsecure community-based alternatives to incarceration for youths in their care. The alternatives included programs for pretrial holding of youths awaiting adjudication in at least two administrative regions.

Proctor Program: New Bedford, Mass. -- The New Bedford Child and Family Services (NBCFS), a private social work agency, operates the Proctor Program under contract with DYS Region 7. Region 7 has no secure detention facility for girls. Girls remanded by courts to DYS Region 7 for detention are placed in either the Proctor Program or in shelters, group homes, or other foster homes. The Proctor Program receives about 45 percent of the total placements.

The NBCFS assigns girls received from DYS to a "proctor" who provides 24-hour care and supervision and works with the NBCFS professional staff to develop a treatment plan for rehabilitation. Twelve proctors are paid about $9,600 each per year for 32 child-care weeks. Each makes her own home or apartment available to one girl at a time. The proctors are single women between the ages of 20 and 30 who live alone and are willing to devote all their time to the girls assigned to them.

The idea for this program grew out of NBCFS's previous experience with female juvenile offenders and their families. The agency had observed that foster home care and other substitute care arrangements often seemed to make troublesome girls' behaviors worse but that a positive one-to-one relationship with a female caseworker seemed to cause improvement. The Proctor Program began with the operating assumption that many adolescent girls referred to court lacked a positive relationship while growing up and that the one-to-one proctor format would provide such a relationship. This, in turn, would lead to short term behavioral stability assuring appearance in court and the beginning of the rehabilitative work viewed as necessary for growth and development in the longer run. The immediate objective is to see that the girl appears in court at the appointed time. The long term goal is to help the girl begin a course of rehabilitation by providing a type of care that will eventually improve her relationship with her parents. To accomplish these goals, the counseling and other resources of NBCFS are brought to bear in addition to the personal help of the proctor.

One hundred sixteen girls were placed with proctors during 1975. Annual program statistics were not yet available at the time of our visit, but a random sample of 33 girls placed in the program in 1975 was drawn for us. The average age of the girls was 14.5 years. Eighty-three percent of them were white, 14 percent were black, and 3 percent were of Puerto Rican background. About three-fourths were status offenders, petitioned for incorrigibility or running away (see Table 16).

TABLE 16

Girls in Sample Placed in Proctor Program by Alleged Offense

Alleged Offense	Number
Major crime against person	3
Minor crime against person	1
Major crime against property	4
Runaways	16
Incorrigibility	5
Parole violation	1
Mixed[a]	3
Total	33

[a] Incorrigible/runaway, runaway/neglect, runaway/major crime against property.

Thirty girls in the sample had terminated from the program. The distribution by nature of termination is presented in Table 17.

TABLE 17

Girls in Sample Completing Proctor Program by Type of Termination

Termination	Number
Placed in residential setting	20
Returned home with nonresidential program	6
Returned home with no program	1
Ran away	3
Total	30

The proportion of girls in the sample who had run away while in the program (10 percent) is the same as the yearly rate reported by program officials. Many return to the program voluntarily, however. We were told that 95 percent of all girls placed in the program appear in court. No girls had ever committed new offenses while in the program. The average length of stay for girls in the sample was 24 days.

The Proctor Program's cost per girl per day was $63.87. No comparison of costs for secure detention of girls is possible; Region 7 has no girls' detention facility.

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The Proctor Program cannot be compared with any of the other programs visited. It is a specialized program for a particular (and particularly difficult) population of girls who often are referred to juvenile court when all other resources have failed. In many other jurisdictions they are admitted to secure detention even though intake and court officials know that the court's resources are not adequate to deal with the range of complex problems they present. The Proctor Program maintains close working relationships with both the Bristol County Juvenile Court in New Bedford and the regional office of DYS. It may be that the Proctor Program is one of the kinds of alternative programs needed to provide effective care of youths who are most inappropriately placed in secure detention.

Center for the Study of Institutional Alternatives: Springfield, Mass. -- The Center for the Study of Institutional Alternatives (CSIA) serves the four western counties that make up Region 1 of the State Department of Youth Services (DYS). It is a private, nonprofit corporation that operates two alternative programs under contract with Region 1. Each program accepts both boys and girls; together they provide 95 percent of all detention services in the region. DYS operates a nine-bed regional secure detention facility in Westfield, Mass.

The Intensive Detention Program (IDP) is designed for juveniles charged with more serious offenses or who, regardless of charge, are more difficult to manage behaviorally. It consists of a Receiving Unit Home (four beds), two Group Home units (five beds each), and two foster homes (two beds each). Thus, space is available for a maximum of 18 juveniles at any one time. The doors and windows of the Receiving Home Unit can be locked with keys, but that is the maximum degree of mechanical security possible in this network.

The Detained Youths Advocate Program (DYAP) consists of 17 two-bed foster homes and is designed for youths charged with less serious offenses or who, regardless of charge, are behaviorally less difficult to manage. The combined capacity of IDP and DYAP at any one time is 52 youths, although it could expand by recruiting additional DYAP foster homes.

The operating assumptions of the CSIA programs are that decent, humane care provided by people who can develop relationships with youths awaiting court action will keep most such youths free of trouble and assure their appearances in court at the appointed times. The IDP is staffed with a director, a receiving home unit supervisor and an assistant, two full-time and two part-time counselors, and three office personnel who often double as resource personnel. Group and foster home parents are carefully screened and selected. As the main program thrust is relationship building, program staff and houseparents work closely together in attempting to match each youth with an adult (staff or houseparent) whom the youth can relate to and trust. This person, who tries to help the youth understand the legal process ahead of him, is prepared to be an advocate on the youth's behalf when he or she appears in court. Counselors frequently involve the youth's family, school personnel, and other concerned persons in planning for the future.

The DYAP is less labor intensive and relies for the most part on the program director and the foster parents, who are frequently young couples, some with children of their own. On occasion, IDP staff involve themselves with youths in this program when needed and as time permits. The operating assumptions and program activities are the same as those of the IDP.

The two CSIA programs combined accepted 650 youths during fiscal year 1975. Two-thirds were males and all were petitioned either as alleged delinquents or Children in Need of Services (CHINS). During the first 6 months of that year, 475 youths were placed in the CSIA programs, of whom 6 (1.2 percent) committed new offenses while in the program and 32 (6.8 percent) ran away; the combined failure rate was 8 percent. The rest appeared in court as scheduled. Our own randomly selected sample of all youths terminating from a CSIA program between July 1 and December 31, 1975, showed that the average length of stay for youths in both programs was 20 days, with youths processed as delinquents staying for a shorter period (13.7 days on average) and youths processed as CHINS staying longer (31.8 days on average).

The cost per youth per day of the Intensive Detention Program is $32.28; that of the Detained Youths Advocate Program $14.30.

In relative terms, the CSIA network of group and foster homes is the most extensive we encountered. We know of no other part of the United States in which is located a city the size of Springfield where so few youths are detained securely prior to adjudication.

The large numbers served by the two alternative programs have had their impact. The director of the two programs told us that his operations through time had become increasingly oriented to "system" concerns--moving the juveniles out as quickly as possible, relating to court and other juvenile justice processes. Earlier, when the programs had been smaller, personnel had had more time to pursue other social work goals. The director believes, too, that more time to work at building relationships with juveniles would increase the programs' holding powers.

During the last 6 months of 1975 the nine-bed detention facility in Westfield had been occupied mostly by older boys being bound over for trial as adults. Thus, only a few beds were available to the Region for secure detention of youths awaiting hearing in juvenile court. On occasion, some youths need more security and control than CSIA is able to provide. During seasons when the DYS caseload of "heavy" youths is small, the two or three beds available for preadjudicatory youths in secure detention are sufficient. When the caseload of "heavy" youths increases, the problem is what to do with "the fourth heaviest kid in the region." He and his successors are sent to CSIA, which finds its facilities inappropriate and the mixture of "heavy" youths with "lighter" youths unsettling to the programs.

The agency is trying to get one or two more secure beds made available at the Westfield facility and is considering what variety of programs they could develop that would be intermediate in control between what they have now and the maximum security of detention.

The director of the CSIA believed that the failure rate had increased during the last 6 months of 1975 because of the lack of space in secure detention. To verify this we selected a small random sample of 45 cases terminated during those months. Of these, four (8.7 percent) had run away and none had committed a new offense, about the same rate of loss that had usually characterized CSIA operations. Of course sample fluctuation may have hidden an increase. The rate of retention that CSIA has historically maintained is indeed remarkable for an area that uses secure detention so infrequently.

Program Comparisons

Fair evaluation of an alternative program requires information on outcomes that can be related to program goals. Comparative evaluation of two or more such programs requires the existence of comparable program goals as well as comparable outcome measures. The goals of the 14 programs described above varied considerably as we have noted at several points. Several programs held in common two primary goals: keeping their youths trouble-free and available to the court. Secondary goals ranged from providing short term counseling and referral services to youths and their families to providing rehabilitative services over a longer period. Other programs named rehabilitative services as their primary goals. Sometimes keeping youths trouble-free and available to the court were named as secondary goals but not always. Thus, we do not have comparable goals for all programs. Nor do we have statistical information on the effectiveness of counseling, referral, and rehabilitative efforts; such data are seldom available.

For most programs, however, we did obtain information on the percentages of youths running away or allegedly committing new offenses while in the alternative programs awaiting adjudication. Negative information of these kinds cannot do justice to program efforts and inherently present problems of comparability. Nevertheless, such data do provide an opportunity to compare programs in a limited way and to illustrate what they can accomplish.

Across the 12 programs for which information was available, the percentages of participants running away or allegedly committing new offenses while awaiting adjudication ranged from 2.4 percent to 12.8 percent (see Table 18). It is of interest that the two programs reporting these percentages had the same format: they were home detention programs. In other words, similar programs can produce different results when carried out by different organizations in different jurisdictions, possibly working with different kinds of juveniles.

TABLE 18

Percentages of Youths Who Ran Away or Allegedly Committed New Offenses, for 14 Alternative Programs

Type of Program	Percent		
	Interim Offenses	Running Away	Total
Home Detention Programs:			
Program A...........	4.5	3.0	7.5
Program B...........	4.4	8.4	12.8
Program C...........	2.4	0.0	2.4
Program D...........	5.2	0.0	5.2
Program E...........	2.4	1.9	4.3
Program F...........	10.1[ab]	...[ab]	10.1[ab]
Program G...........	5.5	0.0	5.5
Attention Homes:			
Anaconda............	NA	NA	NA
Boulder.............	2.6[a]	2.6[a]	5.2[a]
Helena..............	NA	NA	NA
Programs for Runaways:			
Jacksonville........	...[c]	4.1	4.1
Pittsburgh..........	0.0[ad]	7.8[d]	7.8[ad]
Private Residential Foster Homes:			
New Bedford.........	0.0	10.0	10.0
Springfield.........	1.2	6.8	8.0

[a] Information based on interview only.

[b] Runaways may not be included.

[c] Not applicable.

[d] Includes youths not within court jurisdiction.

[NA] Information not available.

The reader of Table 18 probably will focus first on the two extreme figures--both among the home detention programs--Program B and Program F.

Program B was begun in order to reduce overcrowding in secure detention and in the hope of avoiding the cost of constructing an additional wing to the secure facility. Judges and intake personnel began to misuse the new program by placing in it status offenders and allegedly delinquent youths who would not otherwise have been placed in secure detention. The percentages of youths who ran away or were alleged to have committed new offenses while in the program rose with this originally unintended development. We cannot demonstrate that the misuse caused the increase in failure rates but we suspect it may have been a contributing factor. The secure detention facility in this jurisdiction remains at or above capacity. Officials there did not hesitate to attribute this consequence to the misuse of the alternative program.

Program F reported a combined "failure rate" of 10.1 percent. In that jurisdiction judges were using the alternative program as a means of testing the ability of allegedly delinquent youths to remain in the community under probation-like supervision. Placement in the program occurred prior to adjudication. This misuse of the program as a preadjudicatory testing ground apparently contributed to delays in scheduling court hearings for youths in the program; the average length of stay was 90 days. Whether it also contributed to the higher than average failure rate is unknown. It is clear, however, that such extended lengths of stay are both unnecessary and unfair.

In general the program failure percentages for home detention programs tend to be interim new offenses rather than runaways. In only one instance (program B) does the percentage running away exceed that for alleged new offenses. Furthermore, two jurisdictions reported no runaways during their reporting year. Of course, jurisdictions differ in the ways runaways are classified. Some do not count instances where the youths who ran away returned voluntarily or through the efforts of staff prior to adjudication; others do. Even so, the low percentages of running from these programs may be of interest.

The percentages for the publicly and privately operated residential group home programs for runaways reflect their purposes. What they have been able to accomplish, with local and interstate runaways, should be of considerable importance to the many jurisdictions that have found such youths especially difficult to contain suitably.

The Attention Homes in Boulder, Anaconda, and Helena serve diverse groups of juveniles with considerable success.

The two private residential foster home programs are both located in the State of Massachusetts and were developed partly in response to the progressive act of that State in closing its juvenile correctional institutions. The New Bedford program for girls experienced no allegations of new offenses during the reporting year, although 10 percent ran away. The program serves many girls referred for running away or incorrigibility, although it serves alleged delinquents as well. The Springfield statistics may be of the greatest importance of any in Table 18. Almost no juveniles are securely detained in this jurisdiction, so juveniles who are difficult to supervise are referred to the program as well as easier ones. The 8 percent total for "failure" is quite an achievement, especially as it includes few alleged new offenses. In fact, excluding programs only for runaways, the 1.2 percent of interim offenses is the smallest of any program.

When these statistics are viewed collectively for the 12 programs that provided them, we can see that the interim offense rates ranged from 1.2 percent to 10.1 percent of all youths placed in the programs during one year. Similarly, the runaway ranged from zero percent to 10 percent and the combined totals from 2.4 percent to 12.8 percent. The small spread on these measures when combined with our knowledge of how different the programs are--both in terms of what they do and the types of youths they receive--seems to support at least two conclusions. One is that programs used as alternatives to secure detention can be used for many youths who would otherwise be placed in secure detention and with a relatively small risk of failure. A second is that the *type* of program used does not appear as critical as *how* it is used by the jurisdiction. These conclusions are based on data from only 12 programs and so must be considered tentative. They do, nevertheless, provide some encouragement for jurisdictions that are dissatisfied with the traditional uses of secure detention.

Program Costs

Known costs of all the alternative programs visited are in Table 19, together with the costs of secure detention in the same jurisdictions.

We have hesitated even to approach this topic. The usual computation of these costs is to divide some definition of expenditures by the number of days of child care provided, thus producing a cost per youth per day. Administrative expenses, when the program is operated by an agency carrying out additional functions, are not always allocated to program costs in the same way; nor are expenses of renting or purchasing office and juvenile residential facilities.

Furthermore, the juxtaposition of the two sets of figures risks the implication that a saving is taking place. That may not be true. Certain costs of operating and maintaining a secure facility are incurred even if fewer youths are detained there, and the cost per youth per day may rise as more youths are removed to an alternative program. An important exception may be the jurisdiction where an alternative had been established *in lieu* of enlarging an existing secure facility or building a new one. Such savings are not expressed in budgets and are not often enough taken into account.

Table 19

Costs Per Youth Per Day of 14 Alternative Programs and of Secure Detention Facilities in the Same Jurisdictions

Jurisdiction	Cost	
	Alternative Program	Secure Detention
Home Detention Programs:		
Program A	$ 6.03[a]	$36.25[a]
Program B	11.42[a]	29.60[b]
Program C	24.22[ab]	35.69[a]
Program D	4.85[c]	17.54[c]
Program E	10.34	27.00
Program F	.....[d]	.....[d]
Program G	.....[d]	.....[d]
Attention Homes:		
Anaconda	$15.00	$.....[e]
Boulder	13.67	22.83
Helena	22.00	.....[e]
Programs for Runaways:		
Jacksonville	$18.00	$18.00
Pittsburgh	85.00	35.00
Private Residential Foster Homes:		
New Bedford	$63.87	$.....[e]
Springfield		
Intensive Detention Program	32.28	.....[d]
Detained Youths Advocate Program	14.30	.....[d]

[a] Expressed in 1974 or 1975 dollars.

[b] Includes costs of a contract for program evaluation of about $3.00 per youth per day.

[c] Expressed in 1972 dollars.

[d] Not available.

[e] No secure detention facility.

The costs of alternative programs, expressed in youth-care days, are inflated by underuse of many of them. Unlike many secure facilities, most of the alternative programs we visited had never operated at maximum capacity. Actual operating capacities for these programs generally fell between 40 and 60 percent of maximum, and costs per youth per day vary with this fluctuation.

Certain of the programs are used for large numbers of juveniles. Others are for very small numbers. Thus, a small program that appears expensive on a case basis may represent a very small part of the expenditure of its jurisdiction for holding youths for adjudication.

Finally, certain programs are in geographical areas where personnel and other costs are greater, relative to other areas.

Having said all that, the costs per day per youth displayed in Table 19 should be thought of only as indicating something about the range of expenses that might be incurred--little else.

Conclusions About Alternative Programs

In concluding this chapter we will set forth certain generalizations about programs currently in use as alternatives to secure detention for youths awaiting adjudication in juvenile courts. The reader should remember that we visited only 14 such programs and that selection of programs in different jurisdictions might have resulted in different generalizations. Still, we will summarize conclusions that we believe to be of immediate importance to individuals and organizations that may be considering the development of alternatives in their jurisdictions.

1. The various program formats--residential and nonresidential--appear to be about equal in their ability to keep trouble-free and available to court those youths for whom the programs were designed. That is not to say that any group of juveniles may be placed successfully in any type of program. It refers, instead, to the fact that in most programs only a small proportion of juveniles had committed new offenses or run away while awaiting adjudication.

2. Similar program formats can produce different rates of failure--measured in terms of youths running away or committing new offenses. The higher rates of failure appear to be due to factors outside the control of the programs' employees--e.g., excessive lengths of stay due to slow processing of court dockets or judicial misuse of the programs for pre-adjudicatory testing of youths' behavior under supervision.

3. Any program format can be adapted to some degree to program goals in addition to those of keeping youths trouble-free and available to the court--for example, the goals of providing treatment or concrete services. Residential programs seem the most adaptable in that they are able to serve youths

whose parents will not receive them or those who will not return home--often the same juveniles.

4. Residential programs--group homes and foster homes--are being used successfully both for alleged delinquents and status offenders.

5. Home detention programs are successful with delinquents and with some status offenders. However, a residential component is required for certain juveniles whose problems or conflicts are with their own families. Substitute care in foster homes and group homes and supervision within a home detention format have been combined successfully.

6. The Attention Home format seems very adaptable to the needs of less populated jurisdictions, where separate programs for several special groups may not be feasible. The Attention Home format has been used for youth populations made up of (a) alleged delinquents only, (b) alleged delinquents and status offenders, and (c) alleged delinquents, status offenders, and juveniles with other kinds of problems as well.

7. Thoughtfully conceived nonsecure residential programs can retain, temporarily, youths who have run away from their homes. Longer term help is believed to be essential for some runaways, so programs used as alternatives to detention for these youths require the cooperation of other social agencies to which such juveniles can be referred.

8. Certain courts are unnecessarily timid in defining the kinds of youths (i.e., by severity of alleged offense, past record, etc.) they are willing to refer to alternative programs. Even when alternative programs are available, many youths are being held in secure detention (or jail) who could be kept trouble-free and available to court in alternative programs, judging by the experiences of jurisdictions that have tried.

9. Secure holding arrangements are essential for a small proportion of alleged delinquents who constitute a danger to others.

10. The costs per day per youth of alternative programs can be very misleading. A large cost can result from more services and resources being made available to program participants. It also can result from geographical variation in costs of personnel and services, differences in what administrative and office or residence expenses are included, and underutilization of the program.

11. A range of types of alternative programs should probably be made available in jurisdictions other than the smallest ones. No one format is suited to every youth, and a variety of

options among which to choose probably will increase rates of success in each.

12. Appropriate use of both secure detention and of alternative programs can be jeopardized by poor administrative practices. Intake decisions should be guided by clear, written criteria. Judges and court personnel should monitor the intake decisions frequently to be certain they conform to criteria.

13. Since overuse of secure detention continues in many parts of the country, the main alternative to secure detention should not be another program. A large proportion of youths should simply be released to their parents or other responsible adults to await court action.

Notes to Chapter IV

[1] To the best of our knowledge, the first program formally established for use as an alternative to secure detention began in St. Louis, Mo., in July 1971.

[2] Paul W. Keve and Casimir S. Zantek, "Final Report and Evaluation of the Home Detention Program, St. Louis, Missouri, September 30, 1971, to July 1, 1972." Prepared for the U.S. Department of Health, Education, and Welfare, Youth Development and Delinquency Prevention Administration. (McLean, Va.: Research Analysis Corporation, 1972).

[3] Tom Long and Dale H. Tumelson, Evaluation Report: Transient Youth Center (Jacksonville, Fla.: City of Jacksonville, Office of Criminal Justice Planning, April 1975), p. 16. This is a well-written report with much additional information on the characteristics of runaway youths.

[4] Elizabeth Kaersvang, Attention Home Information Manual (Boulder, Colo.: Attention Inc., 1972), p.3.

[5] Ibid., pp. 6-9.

Chapter V

CONCLUSIONS AND RECOMMENDATIONS

In presenting the descriptions of programs in Chapter IV we tried to summarize descriptive findings as succinctly as possible, emphasizing those facets of programs that might interest those who may be considering use of alternative programs in their own jurisdictions. In that chapter we mentioned only briefly some of the problems we saw in the way programs were used in certain jurisdictions. The problems to which we referred were not unique to one jurisdiction and it would be misleading to discuss them as if they had been. We nevertheless need to discuss them here in a general way, because the recommendations we make later will be understood only if the problems are acknowledged.

During each site visit we asked about the reasons for the use of secure detention and specific alternative programs in the jurisdiction. We handed informants a list of reasons we had found in the literature and asked: Which reasons apply here? The responses are combined in Table 20.

The reasons given for use of secure detention were predictable. It was being used in all jurisdictions (a) to assure appearance for court adjudication; (b) to prevent youths from committing a delinquent act while waiting for the adjudicatory hearing; (c) to prevent youths from engaging in incorrigible behavior while awaiting an adjudicatory hearing; (d) to protect youths against themselves--that is, keep youths from others--perhaps other youths or adults, and even their families--in the community. Lesser numbers reported that juveniles in their jurisdictions were being securely detained to provide them with a place to stay while awaiting an adjudicatory hearing, because there was no other alternative.

The directors of alternative programs gave answers that parallel the ones just listed. Their programs were being used for those reasons, too.

Use of secure detention and alternative programs differed in important ways, however. Secure detention was used in only one jurisdiction to reduce the likelihood that youths would commit a delinquent act in the long run--that is, after release by the court or other juvenile authorities. In no jurisdiction was it reported that secure detention was used to reduce the likelihood of youths engaging in incorrigible behavior in the long run. Yet in all jurisdictions except one, alternative programs were used for these reasons.

In only two jurisdictions was secure detention being used to make sure that youths were available for interviewing, observation, or testing needed by the court or court employees. In three it was being used to give some youths a mild but noticeable "jolt" so that he or

Table 20

Uses Made of Secure Detention and of Alternative Programs, as Reported by Officials in the Jurisdictions[1]

Reasons for Use	Secure Detention (N=8)	Alternative Program (N=11)
1. Protect the youth against himself or herself--that is, keep the youth from injuring or harming himself	8	6
2. Provide the youth with a place to stay while awaiting adjudicatory hearing, because there is no other alternative except detention	6	10
3. Prevent the youth from committing a delinquent act while awaiting the adjudicatory hearing	8	10
4. Prevent the youth from engaging in incorrigible behavior while awaiting adjudicatory hearing	8	10
5. Reduce the likelihood that the youth will commit a delinquent act in the long(er) run--that is, after release by the court or other juvenile authorities	1	10
6. Reduce the likelihood that the youth will engage in incorrigible behavior in the long(er) run--that is, after release by the court or other juvenile authorities	0	10
7. Assure appearance for court adjudication	8	10
8. Make sure that the youth is available for interviewing, observation or testing needed by the court or court employees	2	10
9. Begin rehabilitative treatment	2	10
10. Give the youth a mild but noticeable "jolt" so that he/she will recognize the seriousness of the behavior	3	9
11. Protect the youth from others--perhaps other youths or adults, and even his/her family--in the community	8	8

she would recognize the seriousness of the behavior. Two jurisdictions reported that among the reasons for placing youths in secure detention was to begin rehabilitative treatment. Again, in all jurisdictions but one the alternative program was being used to make sure that youths were available for interviewing, observation, or testing. In all but two it was being used to give youths a mild "jolt." The alternative program in every jurisdiction except one also was being used to begin rehabilitation.

Thus in 11 of the jurisdictions visited alternative programs listed among their functions administrative convenience, immediate punishment, longrun deterrence, and rehabilitation. The reader will recognize these "reasons" as the ones that have historically caused so much misuse of secure detention throughout the United States.

Interviews provided additional information on uses of alternative programs. Youths in certain programs would simply have been sent home to await hearings, if the alternative program had not been available. Juveniles in alternative programs tend to wait longer for adjudication than those in secure detention. A few programs were used as a form of informal probation to provide a testing period prior to adjudication (in one city a program was scornfully referred to as an "alternative to disposition"). But most of all, in addition to holding juveniles who might commit new offenses or run away, alternative programs were being used as a treatment resource for youths who were unlikely to do either. In jurisdiction after jurisdiction we were told that the program was being used to provide needed treatment services, because such services were not otherwise available.

As a result the symptoms of overreach through alternative programs may be appearing in certain jurisdictions. Juveniles can be accepted into the juvenile justice process who would not have been previously, just because new programs are available. This appears in some instances to be accompanied by transfer of one of the abuses of secure detention to the newer alternative programs. Historically, secure detention has been utilized for the control of juveniles in need of child welfare services that have not been available. As alternative programs increasingly become resources for juvenile courts to use there is a real danger that (1) the programs will be turned away from their main task of protecting communities and juveniles in the period prior to adjudication and that (2) an increasing number of youths who need social services will be labeled alleged delinquents or status offenders in order to receive them.

For the above reasons we offer five recommendations to juvenile courts that may be considering the introduction of alternative programs of whatever kind.

(1) Criteria for selecting juveniles for secure detention, for alternative programs, and for release on the recognizance of a parent or guardian while awaiting court adjudication should be in writing.

Comments: The emphasis here is that consistency in decision-making requires clearly written criteria by which all intake and referral decision makers may be guided. We do not specify what the criteria should be, but we have referred to published sources of criteria in previous chapters and wish to bring a less well-known statement to the attention of readers.

A recent study in California asked its statewide advisory committee to formulate criteria that would be clear and unambiguous for use in that State.[2] Members of the advisory committee included a commander from a police department juvenile division, a deputy chief of another police department, four juvenile court judges, four chief probation officers, two juvenile court referees, and one detention center superintendent. Their criteria are the clearest we have seen and they are applicable to any jurisdiction in other States. For these reasons we present here the two criteria relevant to this discussion.

- To guarantee minor's appearance: No minor shall be detained to ensure his court appearance unless he has previously failed to appear, and there is no parent, guardian, or responsible adult willing and able to assume responsibility for the minor's presence.

- For protection of others: Pretrial detention of minors whose detention is a matter of immediate and urgent necessity for the protection of the persons or property of another shall be limited to those charged with an offense which could be a felony if committed by an adult and the circumstances surrounding the offense charged involved physical harm or substantial threat of physical harm to another.

Exactly half of the committee formulating these criteria felt that an additional category of youths should be eligible for pretrial detention on the basis of "dangerousness," reflecting the widespread disagreement about what is dangerous. These committee members favored adoption of the following criterion which would be added as a second category to the one listed above: "and to those charged with substantial damage to, or theft of, property when the minor's juvenile court record revealed a pattern of behavior that had resulted in frequent or substantial damage to, or loss of, property and where previous control measures had failed."

It is possible that the mere presence of written criteria so clearly expressed would provide intake officials with some support in refusing to detain youths inappropriately brought before them.

(2) The decision as to whether youths are to be placed in detention or an alternative program should be guided, so far as possible, by written agreements between the responsible

administrative officials. These agreements should specify the criteria governing selection of youths for the programs.

Comments: The wording of this recommendation has been carefully chosen so as to be applicable to the use of secure detention under various organizational arrangements and to the use of alternative programs under a variety of organizational arrangements. For example, directors of secure detention facilities sometimes do not have the authority to refuse admission even when the facility is overcrowded and underbudgeted. Written agreements concerning numbers and criteria would provide such a director with leverage to protect the well-being of youths held in his care and also serve as a check against inappropriate referrals. Similarly, alternative programs that may be administered by private organizations need to know with reasonable predictability the numbers and kinds of youths they will serve. Also, the availability of public money for alternative programs may tempt certain agencies to utilize a traditional service technology and "skim" referrals best suited to it. Written agreements should keep alternative programs available to the juveniles who need them.

(3) The decision to use alternative programs should be made at initial intake where the options of refusing to accept the referral, release on the recognizance of a parent or guardian to await adjudication, and use of secure detention are also available. It should not be necessary for a youth to be detained securely before referral to an alternative program is made.

Comments: We have shown that in some jurisdictions alternative programs are not considered as resources until after juveniles have been confined in secure detention to await detention hearings. This is an unnecessary use of secure detention, as jurisdictions that have organized themselves to make such decisions at the time of initial referral have shown. The danger of overreach is greatest at this initial decision point, another reason for consistent selection based on clearly written criteria.

(4) An information system should be created so that (a) use of secure detention, alternative programs, and release on parents' recognizance can be cross-tabulated at least by type of alleged offense, prior record, age, sex, race/ethnicity, and family composition, and (b) terminations by types of placements from secure detention, alternative programs, and release on parents' recognizance status can be cross-tabulated with variables such as type of new offense, length of stay, and disposition as well as the variables listed in (a) above.

Comments: Court and program records are often so dispersed, if not in total disarray, that no one can find out what is going on. Facts cannot be assembled for simple reports. Administrators cannot evaluate and control operations without regular access to the kinds of information listed.

(5) Courts should adjudicate cases of youths waiting in alternative programs in the same period of time applicable to those in secure detention.

Comments: The practice of extending the waiting period for youths in alternative programs appears to reflect a belief that those in alternative programs are living under less harsh conditions. Even if that is true, the youths in alternative programs prior to adjudication are experiencing the coercion of the court and should be relieved of it by prompt findings.

Notes to Chapter V

[1] The reader will note the discrepancies between the number of jurisdictions visited (14) and the number responding to the questions about use of secure detention (8) and the alternative program (11). The reasons for the discrepancies follow.

Secure detention. In four jurisdictions there was no secure juvenile detention facility. In a fifth jurisdiction the secure detention facility was a regional facility located in another county and at too great a distance for the site visit team to travel in the time available. The sixth jurisdiction was the site of our pilot site visit--prior to our inclusion of these questions in our interview schedule.

Alternative Program. In one jurisdiction the questions simply did not apply to the alternative program. In a second, we did not ask the questions properly. The third jurisdiction was the site of our pilot site visit.

[2] George Saleebey, Hidden Closets: A Study of Detention Practice in California (Sacramento: California Youth Authority, January 1975), pp. 59-63.

APPENDIX

The National Council on Crime and Delinquency, in its Standards and Guides for the Detention of Youth, stated the following criteria for admission to detention. The section is quoted in full because the brief references to it in the literature frequently do not do it justice.

CRITERIA FOR ADMISSION TO DETENTION

NCCD criteria for detention aim to strengthen the role of the probation officer in helping the child and the family in the community, pending court disposition. Detention should not be used unless failure to do so would be likely to place the child or the community in danger.

(4) Children Who Should Be Detained

Children apprehended for delinquency should be detained for the juvenile court when, after proper intake interviews, it appears that casework by a probation officer would not enable the parents to maintain custody and control, or would not enable the child to control his own behavior. Such children fall into the following groups:

(a) Children who are almost certain to run away during the period the court is studying their case, or between disposition and transfer to an institution or another jurisdiction.

(b) Children who are almost certain to commit an offense dangerous to themselves or to the community before court disposition or between disposition and transfer to an institution or another jurisdiction.

(c) Children who must be held for another jurisdiction; e.g., parole violators, runaways from institutions to which they were committed by a court, or certain material witnesses.

In certain unusual cases nondelinquent material child witnesses may have to be detained for adult courts (see Nos. 5h and 15). Occasionally, children who require secure custody may be given overnight detention care as a courtesy to officials who are transporting them across a large State or from one State to another. The detention of nondelinquent material witnesses is under study.

(5) Children Who Should Not Be Detained

Children should not be detained for the juvenile court when, after proper intake interviews, it appears that casework by a probation officer would be likely to help parents maintain custody and control or would enable the child to control his own behavior. Such children and others who should not be detained fall into the following groups:

(a) Children who are not almost certain to run away or commit other offenses before court disposition or between disposition and transfer to an institution or another jurisdiction.

Included in this category are children involved in delinquency through accidental circumstances, and those whose parents can exercise such supervision that, even without casework service (except that incidental to social investigation), there would be little likelihood of repeated offense pending court disposition.

(b) Neglected, dependent, and nondelinquent emotionally disturbed children, and delinquent children who do not require secure custody but must be removed from their homes because of physical or moral danger or because the relationship between child and parents is strained to the point of damage to the child.

Detention should not be used as a substitute for shelter care.

(c) Children held as a means of court referral.

Detention should not be used for routine overnight care. Release to parents after 24 or 48 hours usually indicates that the child would not have been detained had effective court intake procedure functioned earlier.

(d) Children held for police investigation or social investigation who do not otherwise require secure custody.

Detention should not be used as merely a convenient way to hold a child for an interview, or for an investigation into his unsubstantiated connection with other offenses, or to facilitate the apprehension of suspected accomplices unless he himself is involved and the situation is serious.

(e) Children placed or left in detention as a corrective or punitive measure.

Other State or local facilities should be used for corrective purposes. The court should not permit a case to be "continued" in order to "teach the child a lesson." Detention should not be used as a punishment or as a substitute for a training school.

(f) Psychotic children, and children who need clinical study and treatment and do not otherwise need detention.

Detention should not be used as a substitute for a resident clinical study and treatment center.

(g) Children placed in detention because of school truancy.

Truancy is a school problem which should be handled in the school system through social services and special classes or schools when necessary. The court should cooperate with the schools, but detention should not be used as a control for truancy.

(h) Children who are material witnesses, unless secure custody is the only way to protect them or keep them from being tampered with as witnesses.

Normally, if a child material witness must be held, he should be sent to a shelter care facility.

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